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42691

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA and :

STATE OF MARYLAND :

Plaintiffs :

vs. : CIVIL ACTION NO.

EDWARD AZRAEL, et al., : WN-89-2898

Defendants :

vs. :

ARMCO STEEL CORP, et al. :

Third-Party Defendants:

Deposition of ROBB TYLER, taken on
Wednesday, December 18, 1991, at 10:10 a.m., at
the USF&G Building, Classroom B, 100 Light
Street, Baltimore, Maryland, before
Lois L. Hackerman, Notary Public.

Reported by: Lois L. Hackerman

SALOMON REPORTING SERVICE, INC.
Baltimore, Maryland
(410) 539-6760

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1 APPEARANCES:

2 Patricia K. Casano, Esquire,

3 On behalf of the U.S.

4 Department of Justice

5 Environmental and Natural

6 Resources Division

7 Andrew S. Goldman, Esquire,

8 On behalf of the Environmental

9 Protection Agency

10 Pamela D. Marks, Assistant Attorney General

11 On behalf of the Office of the

12 Attorney General, Department of

13 the Environment

14 Daniel A. Masur, Esquire,

15 Kim I. Montroll, Assistant City Solicitor,

16 On behalf of the City of Baltimore

17 Randall M. Lutz, Esquire,

18 On behalf of Robb Tyler

19 Parker E. Brugge, Esquire,

20 On behalf of Defendant Canton Company

21 of Baltimore

SALOMON REPORTING SERVICE, INC.
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(410) 539-6760

1 APPEARANCES: (Continued)
2 Charles R. Schaller, Esquire,
3 On behalf of Defendant Edward Azrael
4 Robert Brager, Esquire,
5 On behalf of Defendant
6 International Paper
7 and Sweetheart Cup Company, Inc.
8 Samuel I. Gutter, Esquire,
9 On behalf of Defendant AT&T
10 M. Lee Doane, Esquire,
11 On behalf of Defendant
12 Exxon Corporation
13 David Joseph, Esquire,
14 On behalf of Defendant
15 H.M. Holdings and
16 Crown Cork & Seal
17 Mark E. Grummer, Esquire,
18 On behalf of Defendant General Motors
19 Thomas A. Ryan, Esquire,
20 On behalf of Defendant
21 Browning-Ferris Industries

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APPEARANCES: (Continued)

Ronald D. Byrd, Esquire,
On behalf of Defendant
Baltimore Gas & Electric
Tom Ligan, Esquire,
On behalf of Defendant
Armco, Inc.
John A. Gillan, Esquire,
On behalf of Defendant
Beatrice Company
B. Mark Hausman, Esquire,
On behalf of Defendant
Kewanee Industries, Inc.
Thomas L. Crowe, Esquire,
On behalf of Defendant
PORI International

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1 MS. CASANO: Randy, I'm sorry, you
2 wanted to make a statement before we really got
3 started.

4 MR. LUTZ: All of you should have
5 received a letter from me dated December 17th, a
6 copy of which I faxed to all counsel of record
7 and a copy of which I just circulated around the
8 table. I would like to put this letter into the
9 record and a copy of the list of medications that
10 Mr. Tyler is currently taking.

11 As I said in my letter, I hope all of
12 you understand Mr. Tyler's health situation, and
13 I would implore all of you not to be repetitive,
14 try to be to the point. Please don't ask things
15 that would get Mr. Tyler excited. I don't want
16 to have to stop the deposition. We would like to
17 make this as short, sweet and as simple as
18 possible. Please try to give Mr. Tyler every
19 accommodation that you can.

20 I would like the letter and the copy of
21 the list of medications to be marked as Tyler

1 Deposition Exhibit 1-A and 1-B, and Tyler 2 will
2 be the list of medications.

3 MS. CASANO: Actually, let's mark the
4 letter as 1-B and 1-C and the list of medications
5 as 1-D. I may use some of the exhibits that we
6 marked at Allie Tyler's deposition and I'm not
7 going to renumber them.

8 MR. LUTZ: Fine. So 1-B, 1-C and 1-D?

9 MS. CASANO: Right.

10 (Whereupon, R. Tyler Deposition
11 Exhibit No. 1-B, letter dated 12/17/91, marked.)

12 (Whereupon, R. Tyler Deposition
13 Exhibit No. 1-C, letter dated 12/16/91, marked.)

14 (Whereupon, R. Tyler Deposition
15 Exhibit No. 1-D, list of medications, marked.)

16 Q. Mr. Tyler, I'm handing you a document
17 that has been marked R. Tyler Exhibit 1-A. I ask
18 you to review that please.

19 MR. LUTZ: We will stipulate that this
20 is the notice of deposition that he received.

21 A. Same thing?

1 MR. LUTZ: Yes.

2 Q. Mr. Tyler, the notice requested that
3 you bring certain documents to the deposition
4 with you if you had any such documents. Have you
5 brought any documents with you?

6 A. No.

7 Q. Do you have any documents in your
8 possession relating to Robb Tyler, Incorporated?

9 A. Any documents? I guess that could be
10 almost anything related to the company, but none
11 of my files at home. See, I've been out of there
12 for 20 years. I don't have any files that I know
13 of that would have anything to do with the
14 company.

15 Q. Okay. Thank you.

16 A. There might be something in the old
17 files up in the attic, but I don't know of
18 anything.

19 Q. Okay. Do you know whether your son
20 went through what you have in your attic before
21 he was deposed?

1 A. No. No. There hasn't been anything up
2 there for many years now I guess. I don't even
3 believe they're there, come to think of it. I've
4 only been at this address for about five or six
5 years.

6 MS. CASANO: Randy, if I could just ask
7 you to verify whether there is anything in the
8 attic, I would appreciate it.

9 MR. LUTZ: Okay. My attic or his?

10 MS. CASANO: Mr. Tyler's attic.

11 Q. Mr. Tyler, did you know a gentleman by
12 the name of Fred Sauer, Sr.?

13 A. Yes.

14 Q. How did you know him?

15 A. I guess over the years he had a
16 landfill and we had a landfill. And you always
17 knew who your competitors were.

18 Q. Was Fred Sauer, Sr. a competitor of
19 yours?

20 A. He had a landfill and I had a
21 landfill.

1 Q. Do you know where his landfill was
2 located?

3 A. Approximately North Point Boulevard,
4 where North Point Road comes into it, in that
5 area.

6 Q. Would that have been near the
7 intersection near North Point Boulevard and Cane
8 Street?

9 A. I never knew exactly where Cane Street
10 was. I thought it was North Point Boulevard, and
11 I thought North Point Road came into it under the
12 underpass, right in that area.

13 Q. Did you ever visit Mr. Sauer, Sr.,
14 landfill when he was in the business?

15 A. I've been on it, yes.

16 Q. Do you recall when that would have
17 been?

18 A. I can't say which year, but we had
19 about a two to three-month period that we used
20 his -- that we used his landfill on some of our
21 equipment.

1 Q. Would that have been the landfill -- do
2 you know a gentleman by the name of Fred Sauer,
3 Jr., he was also known as Fritz Sauer?

4 A. That's what I thought you were asking
5 me about.

6 Q. Initially I was asking you about his
7 father. I take it you knew Fritz Sauer.

8 A. That's the one I knew.

9 Q. Now, did you know Fritz Sauer's
10 father?

11 A. Not that I remember.

12 Q. Did you have at any time any kind of a
13 business relationship with Fritz Sauer?

14 A. A business relationship in what
15 respect?

16 Q. Did any company with which you were
17 associated use Fritz Sauer or any employee of
18 Fritz Sauer for any purpose?

19 A. The only possibility of a connection
20 like that would be -- I don't know if you're
21 familiar with a dumpster container, where you

1 pick up a container, Fritz Sauer, I guess Fritz
2 Sauer, had one of those rigs.

3 And there has been times when we were
4 in a jam with our rigs, we would have been able
5 to call on him to pick up one of our containers.
6 And he would take it to our landfill, I would
7 say, the majority of the time because it wouldn't
8 cost him to bring it there.

9 Q. When Mr. Sauer did that for you, how
10 was he paid?

11 A. They were paid by the trip.

12 Q. If Mr. Sauer took the load to one of
13 your landfills as opposed to his landfill, was he
14 paid more or less than if he took the load to his
15 landfill?

16 A. No.

17 Q. So from your perspective regardless of
18 where Mr. Sauer took the load he was paid the
19 same amount?

20 A. Of that on rare occasions -- you asked
21 me had I ever had any business with him?

1 Q. Uh-huh.

2 A. So at times it was up then particularly
3 to the driver where he took it. Because he
4 wouldn't get paid. He wouldn't get paid for
5 bringing it to our landfill. There was no
6 charge.

7 Q. I want to make sure - -

8 MS. DOANE: Pat, could we have the
9 answer read back. There was noise and we
10 couldn't hear the answer.

11 (The record was read by the reporter.)

12 Q. I want to make sure I understand this
13 correctly. We have had testimony from other
14 witnesses to the effect that at least
15 occasionally, if not more often, drivers employed
16 by Fritz Sauer would pick up from Robb Tyler
17 customers. And as I understand what you just
18 said when that happened Fritz Sauer was paid the
19 same amount regardless of whether the driver took
20 the load to one of your landfills or to Sauer's
21 landfill?

1 A. That's my understanding.

2 Q. When one of Sauer's drivers picked up a
3 load from one of your customers, would you have
4 known where that load would have been taken?

5 A. No, I would not.

6 Q. And were you involved in asking Fritz
7 Sauer's drivers to pick up loads from your
8 customers or would that have been handled by
9 someone else such as your dispatchers?

10 A. Oh, yes. I was never the one telling
11 them. I was up in my office. The dispatchers
12 were the ones directing the drivers.

13 Q. Do you recall, Mr. Tyler, who took care
14 of making sure that Fritz Sauer was paid whenever
15 his drivers serviced your customers?

16 A. I don't understand that. If a bill was
17 put in, it was paid.

18 Q. So Fritz Sauer would submit a bill to
19 your company?

20 A. I imagine so. I can't remember exactly
21 how it was handled, but I know they were paid.

1 They weren't doing it gratuitous.

2 Q. Do you recall whether Fritz Sauer's
3 drivers picked up from -- do you recall which
4 customers of yours Fritz Sauer employees would
5 have served?

6 A. I don't think it's possible for me to
7 answer that.

8 Q. Okay. For example, do you recall
9 whether Fritz Sauer's employees -- well, was
10 Western Electric a customer of Robb Tyler's?

11 A. I'm sure it was at one time. I don't
12 know -- we were the lead most likely in it.
13 These customers, they came and went. They were
14 being undercut.

15 Q. Do you recall whether Western Electric
16 would have been one of the customers that Fritz
17 Sauer's drivers would have serviced for you?

18 A. It's possible. I wouldn't say yes. I
19 wouldn't say no.

20 Q. I think that you indicated that you had
21 been to Sauer's landfill during a two or

1 three-month period when your company --

2 A. No, not necessarily that period, but
3 you asked me had I been on his landfill. And I
4 have. And I wouldn't say it was on that
5 three-month period because that wasn't my
6 problem. I was in the office, but it's
7 possible.

8 Q. Do you recall how many times you would
9 have been to Sauer's landfill?

10 A. No way.

11 Q. Do you recall when you would have
12 visited -- when you visited Sauer's landfill?

13 A. I don't understand that.

14 Q. Do you recall, for example, whether you
15 would have been there during the 1960s?

16 A. It would have been in the 1960s, I
17 would imagine.

18 Q. Did you ever visit Sauer's landfill in
19 the 1970s?

20 A. I doubt it. I retired in '72 I think.

21 Q. Did any of the companies with which you

1 were associated, Mr. Tyler, have an arrangement
2 at any time with Fritz Sauer whereby your company
3 could use Sauer's landfill in exchange for Sauer
4 being able to use your landfill?

5 A. It's possible, but I don't remember any
6 arrangement like that.

7 Q. Did you ever have an arrangement with
8 Fritz Sauer that just allowed you to use Sauer's
9 landfill?

10 A. For the three-month period, as I said,
11 or maybe two months when we were in a bind for
12 our fill, he let me put a bulldozer and an
13 operator on his fill, and we put -- that was the
14 only time that I can really remember that we put
15 material in there. It may have possibly been
16 another time, but during that period, and I'm not
17 sure exactly when that was.

18 Q. Do you recall whether Mr. Sauer was
19 paid for your use of the landfill during that
20 period?

21 A. I don't think he was.

1 Q. Did he let you use his landfill for
2 free or did he get something in exchange for
3 allowing you to use his landfill?

4 A. He got the use of my bulldozer and the
5 man that ran it on his landfill.

6 Q. You indicated that you used Sauer's
7 landfill during a period when you were in a
8 bind. Is that because you did not have a
9 landfill available to use?

10 A. One of them.

11 Q. Would that have been the Rosedale
12 landfill?

13 A. I don't know whether you call it
14 Rosedale or not, in that area.

15 Q. What would you have called the
16 landfill?

17 A. Either Pulaski or North Point.

18 Q. Would that have been the landfill that
19 was located near 68th Street --

20 A. Yes.

21 Q. -- and Pulaski Highway?

1 A. Yes.

2 Q. We've come to call that the Rosedale
3 landfill. And that's how I will refer to it.

4 Did you personally arrange with Fritz
5 Sauer to use his landfill when the Rosedale
6 landfill was closed?

7 A. I might have had to be the one to say
8 go ahead and do it if we can. My brother-in-law
9 was the one on the outside, had more of the
10 contact with the customers and my son.

11 Q. What was your brother-in-law's name?

12 A. Francis Mulberry.

13 Q. Did he have any sort of a social
14 relationship with Fritz Sauer?

15 A. Not that I know of.

16 Q. Were you friends with Fritz Sauer?

17 A. Oh, yeah. We talked.

18 Q. Would you say you talked as competitors
19 or that you were friends?

20 A. I would say as a friendly competitor.
21 We tried to keep our competitors friendly.

1 Q. Do you recall which of your customer's
2 waste would have gone to Sauer's landfill during
3 the period that you were using it?

4 A. I would say geographically you could
5 say something in the southeastern part of the
6 city. You always try to get into the closest one
7 you could.

8 Q. Could you define for us what you mean
9 by the southeastern part of the city?

10 A. That's on the north side of the Harbor
11 and east of Pulaski Highway maybe. What's going
12 out of southeast.

13 Q. Would the southeast part of the city
14 include Broening Highway, for example?

15 A. Yeah. Not always it wouldn't, because
16 the tunnel, I think the tunnel was open then.
17 When did the tunnel open?

18 Q. I'm not sure.

19 A. Anybody know when the tunnel opened?
20 It made a big difference for us I know when it
21 did.

1 Q. If the tunnel were open what affect
2 would that have had on where wastes were taken?

3 A. Because I had a fill over on that
4 side.

5 Q. What was the name of that fill?

6 A. We called it The Flats down there, back
7 of the City incinerator.

8 Q. Would that have been located on
9 Quarantine Road?

10 A. Quarantine Road came after.

11 Q. Do you recall whether Quarantine Road
12 was open when you were using Sauer's landfill?

13 A. I would have -- I don't really no. I
14 would say no, I don't know when we went in
15 there. I can't say the date of it when we opened
16 it or when we were dumping on that side.

17 Q. Do you recall whether any other
18 landfill that you owned or operated was open when
19 you were using Sauer's landfill aside from
20 Quarantine Road?

21 A. Oh, yes, we had other places that we

1 were using.

2 Q. What were those landfills please?

3 A. We had one on either Quarantine Road or
4 The Flats was one. I don't know whether we
5 used -- we went to the city at times.

6 Q. Were you charged a fee when you used
7 the City landfill?

8 A. Oh, yeah.

9 Q. Any other landfills?

10 A. I don't think it was then. Later we
11 had gone as far as York, Pennsylvania.

12 Q. During the period that you recall when
13 you were using Sauer's landfill, though, aside
14 from --

15 A. I can't pinpoint it. There's no way I
16 can say. That's 25 years ago.

17 Q. Okay. Do you recall, Mr. Tyler,
18 approximately how many trucks a day were -- how
19 many of your trucks a day were hauling waste
20 during the period when you were using Sauer's
21 landfill?

1 A. That's impossible for me to tell.

2 Q. Did you participate in establishing
3 routes for your drivers at all, or did someone
4 else do that?

5 MR. LUTZ: What period of time?

6 Q. During the 1960s.

7 A. Really wasn't my job. I will put it
8 that way. I wasn't the one. The supervisors
9 were the ones that really worked it out.

10 Q. Do you remember the names of the
11 supervisors who did that?

12 A. This is awful. Paul Galano was one I
13 think. Mulberry was the one who helped on it
14 because he was the salesman that was on the other
15 side.

16 Q. That's your brother-in-law?

17 A. Yes.

18 Q. I know that your brother-in-law is
19 dead. I can't recall whether Mr. Galano is
20 deceased as well, do you know?

21 A. I don't know. I haven't seen him for

1 years. He left this area.

2 Q. Do you know how the supervisors
3 established a route for the drivers?

4 A. The main object was to get the stops to
5 one road as close together as possible. That's
6 the way it always worked out.

7 Q. When a route was established, do you
8 know what consideration was given to what
9 landfill to use?

10 A. No.

11 Q. Generally speaking, do you know whether
12 drivers were instructed to take waste to the
13 closest landfill?

14 A. Not necessarily. The reason is of the
15 type containers and for convenience to the driver
16 they could leave a container on a person's stop
17 and take that one and another one might be
18 getting further away. It depended that day how
19 he routed his route.

20 Q. Can you give us an idea how many of
21 your customers during the 1960s had the kind of

1 container where a driver could only pick up that
2 container and had to take it and empty it, as
3 opposed to customers whose waste could be
4 consolidated with other customers and then the
5 driver would go to a landfill?

6 A. I don't even remember how many routes I
7 had at that time of -- we call them dumpsters
8 that would be the ones that they would take and
9 bring back. Seven or eight routes I guess. I
10 couldn't tell you.

11 Q. During the time that you were using
12 Sauer's landfill, do you recall how it was
13 decided whether waste should be taken to Sauer's
14 landfill or whether they should go somewhere
15 else?

16 A. I couldn't tell you right now what year
17 it was that we did for two or three months. I
18 haven't any idea. I couldn't answer that.

19 Q. We have evidence and other testimony
20 that indicates that that period of time was in
21 the summer of 1969. Does that refresh your

1 recollection at all?

2 A. That's getting near the time I got
3 out.

4 Q. Of the landfills that you operated
5 during the 1960s, did any of those landfills
6 place restrictions upon the types of waste that
7 could be taken to the landfill?

8 A. No, I'm sorry to say they did not.
9 They had that bad slogan.

10 Q. We never refuse refuse.

11 A. Came back to haunt me.

12 Q. During the 1960s did you -- I'm
13 speaking in terms of you, but when I do that I
14 mean you and the companies with which you were
15 associated -- during the 1960s, did you have any
16 policy with respect to accepting drummed waste?

17 A. We had no policy on it.

18 Q. Do you know whether you accepted
19 drummed waste at the Rosedale landfill?

20 A. I know we did, yeah.

21 Q. Did you have any policy during the

1 1960s with respect to liquid waste?

2 A. Any restrictions?

3 Q. Right.

4 A. Brought them in in drums.

5 Q. At the Rosedale landfill then, for
6 example, would the drums have been disposed of in
7 the landfill?

8 A. Only the ones we couldn't resell.

9 Q. To whom did you resell drums?

10 A. I think Cooperage Companies, something
11 to that effect. Some just for --

12 Q. Do you recall having any type of
13 arrangement with American -- excuse me a second.

14 (Brief pause.)

15 Q. Do you recall having any kind of an
16 arrangement during the 1960s with American
17 Recovery, whereby you sent liquid waste to
18 American Recovery?

19 A. No, I think the only association I
20 would have with them would be something that they
21 might bring in. I don't think we ever sold

1 anything to them. Unless it was drums. I don't
2 know. I wasn't involved too much in the salvage
3 end of it.

4 Q. Could you describe for us what your
5 responsibilities were during the 1960s?

6 A. I guess the main thing was having
7 enough money to pay the men. I was in the office
8 most of the time.

9 Q. Did you ever meet with any customers?

10 A. Oh, I have, yeah. Oh, yeah.

11 Q. Did you ever solicit any business from
12 customers during the 1960s?

13 A. Oh, yeah. In the '60s I would say I
14 did.

15 Q. About how much of your time, if you can
16 recall, did you spend with customers during the
17 1960s?

18 A. I would say I only went out when we
19 thought we had a good prospect.

20 Q. For the most part, did your
21 brother-in-law --

1 A. He was, yeah.

2 Q. -- handle relationships with
3 customers?

4 A. He was in the sales end, yeah.

5 Q. Would your brother-in-law solicit the
6 customers, Mr. Tyler, and then would you close
7 the deal with your customers, or did your
8 brother-in-law handle the whole process?

9 A. He would handle the whole thing. He
10 would bring it to me maybe to go over.

11 Q. During the 1960s and in particular
12 during the period when you were using Sauer's
13 landfill, did you make any distinction between
14 waste that you considered to be hazardous and
15 waste that were not considered to be hazardous?

16 A. Nobody mentioned that word in those
17 days that I can remember.

18 Q. Generally speaking, would you have
19 known what types of waste you were disposing of
20 for a particular customer?

21 A. Crown Cork & Seal was one of our big

1 accounts, and they had a waste that we had to be
2 careful with after we found out about it. It was
3 like paper that would go off and catch fire and
4 we were careful where we put that.

5 Q. Did you dispose of that paper in your
6 landfill now?

7 A. Oh, yeah.

8 Q. Do you recall whether Crown Cork & Seal
9 was a customer and that you were disposing of
10 that kind of paper for Crown Cork & Seal when you
11 were using Sauer's landfill?

12 A. If we did, we would have been careful
13 with it. I don't think so. I don't know where
14 Crown went. It was on that side of town.
15 Chances are it wouldn't. It was a small amount
16 of, a very small amount of their waste, but we
17 finally found out where the starting of the fires
18 came from. That's why I mentioned that one.
19 That's one I can remember that was hazardous to
20 us.

21 Q. Do you recall handling any waste for

1 any other customer that you regarded as hazardous
2 to yourself or your employees?

3 A. Hazardous to your equipment was
4 Chesapeake Paperboard, but that was on the other
5 side of town. But they had a product in making
6 paper that we called it snake. It could come out
7 and go into our containers. And that was
8 endless. It might be a half mile long. And we
9 would put that kind of a thing in a certain place
10 so it wouldn't tangle up your equipment.

11 Q. Was that some type of a wire?

12 A. Yeah, steel. In the course of getting
13 rid of the waste paper.

14 Q. Which company was that product?

15 A. Chesapeake Paperboard.

16 Q. Chesapeake Paperboard.

17 Do you recall when Western Electric was
18 one of your customers, do you recall getting wire
19 from Western Electric that you disposed of?

20 A. I can't remember. I don't remember it
21 being that. As a matter of fact Western

1 Electric, I'm not sure whether we even had the
2 account at that time.

3 Q. You indicated previously that you had a
4 bulldozer and a bulldozer operator at Sauer's
5 landfill during the period that you were using
6 it?

7 A. That we used it, yeah.

8 Q. Do you know who the bulldozer operator
9 got his instructions from while he was working at
10 Sauer's landfill?

11 A. I imagine Fritz would tell him what he
12 wanted about his part and the operator would know
13 what we wanted from where we were bringing ours
14 in.

15 Q. Do you know whether any of your
16 employees ever went to Fritz's landfill to give
17 instructions to the bulldozer operator or to
18 check on the bulldozer operator?

19 A. Not to my knowledge. I can't remember
20 anything about it. It was such a short period of
21 time.

1 Q. Did you ever send anyone to Fritz's
2 landfill to check on the bulldozer operator while
3 he was there?

4 A. Not that I know of.

5 Q. Did you personally go to Fritz's
6 landfill during the time that your bulldozer
7 operator was there?

8 A. I might have gone by, but I don't
9 remember. I remember having a conversation with
10 Fritz, but I don't know if it was before or after
11 that.

12 Q. Do you recall what the conversation was
13 about?

14 A. I don't remember what the conversation
15 was about, but when the conversation was over, I
16 said well, let's go have a beer. And he said
17 okay, but I can't go there. And I said why not.
18 He said I had a little fracas the other night and
19 I put three men in the telephone booth and turned
20 it over.

21 That's the only thing I can remember.

1 It stands out in my memory for a long time. They
2 had to get the telephone company to get them out.

3 Q. Do you recall having any conversation
4 with anyone concerning where your company's loads
5 ought to be dumped at Fritz's landfill?

6 A. I have no idea.

7 Q. Do you have any idea whether -- or any
8 recollection whether your company's trucks went
9 to a particular location at Fritz's landfill
10 while you were using it?

11 A. I have no idea.

12 Q. I take it that you personally never did
13 any work at Sauer's landfill?

14 A. No.

15 Q. Did you personally ever pick up any
16 waste from a customer during the 1960s?

17 A. You mean personally?

18 Q. Yes.

19 A. No.

20 Q. Do you recall what kind of trucks your
21 company had during the 1960s, Mr. Tyler?

1 A. What do you mean what kind? Whether it
2 was a Mac or International?

3 Q. I mean more type in the sense of
4 dumpsters for example, roll-off? We've heard a
5 number of different terms.

6 A. We had about four different kinds. The
7 dumpster with the container, the load packers.
8 There were different types of those. The
9 roll-offs and the open trucks.

10 Q. I think you indicated previously that
11 Fritz Sauer had a dumpster that was a different
12 size than you had?

13 A. His was a small rig and couldn't pick
14 up some of our containers.

15 Q. Do you remember the names of any of
16 Mr. Sauer's employees who would have picked up
17 from your customers?

18 A. The only one I can think of, but I
19 don't know what his name was, I know he had a
20 nickname, but that's all I can remember.

21 Q. Would that have been a gentleman who's

1 nickname was Ginny?

2 A. Yeah, that's the only one I remember.

3 Q. His name was Mike Cefaloni, does that
4 ring any bells?

5 A. No. I heard Ginny, but I never --

6 Q. Did you personally ever talk to
7 Mr. Cefaloni?

8 A. I might have talked to Ginny.

9 Q. Do you recall seeing him at your office --

10 A. No.

11 Q. For example --

12 A. I don't think he would be there.

13 Q. -- do you recall where you would have
14 talked to him?

15 A. Maybe on the street or something. I
16 don't really remember. I always remember the
17 name.

18 Q. What color --

19 A. He might have been by the office to
20 bring a receipt in or something like that.

21 Q. Do you recall whether Mr. Cefaloni

1 picked up waste from any of your customers?

2 A. Well, I say, he picked up some
3 containers. If they were our customers, yeah.

4 Q. During the 1960s, Mr. Tyler, were your
5 trucks a particular color or colors?

6 A. Green and white were our main colors.

7 Q. Were your containers -- did you leave
8 containers at customers' facilities during the
9 1960s?

10 A. Oh, yeah. And some of them were
11 painted the color of the customer to go with his,
12 make it look better in his yard.

13 Q. Would others have been painted green
14 and white?

15 A. Most of them would be green, the
16 containers.

17 Q. Regardless of the color of the
18 containers, would all of the containers that you
19 left at a customer's during the 1960s have had
20 Robb Tyler's name on them?

21 A. No, not always.

1 Q. Would they have been labeled with
2 anything?

3 A. If they didn't have a name on it, it
4 wouldn't have had any other label on it except
5 maybe the make of it.

6 Q. So you did have containers then during
7 the 1960s that did not have your name on them?

8 A. I imagine so. When the painters go out
9 to paint them, they might have to come back and
10 put decals on them later, something like that,
11 but I know there could have been some out there
12 without them.

13 Q. Did you ever haul waste from a customer
14 that owned its own containers?

15 A. I don't think so.

16 Q. Do you know whether Fritz Sauer owned
17 any containers?

18 A. I really don't. But I imagine he did.

19 Q. Do you know whether Fritz placed
20 containers at different businesses during the
21 1960s?

1 A. I think he had to have some containers
2 if he had the trucks, but I don't know what he
3 did in his business. He was also in the junking,
4 too.

5 Q. Mr. Tyler, did you know a gentleman by
6 the name of Albert Landay?

7 A. I did.

8 Q. How did you know him?

9 A. I used his fill. He had a landfill at
10 one time.

11 Q. Where was that landfill located?

12 A. Off of North Point Road. Pulaski
13 Highway there.

14 Q. Is that the same landfill as Fritz
15 Sauer operated?

16 A. No, I don't think so.

17 Q. Do you know when Mr. Landay had that
18 landfill?

19 A. I really don't. I know it goes back
20 some time.

21 Q. Do you recall whether that would have

1 been during the 1950s?

2 A. '50s or '60s?

3 Q. During the 1950s, I'm sorry?

4 A. Could be. Whenever he had it. That
5 would have been the time. I'm not sure how many
6 years he had it.

7 Q. Are you familiar with a company called
8 Picorp?

9 A. What?

10 Q. Picorp, P-I-C-O-R-P.

11 A. Doesn't ring a bell to me.

12 Q. It's located near the intersection of
13 North Point Boulevard and -- I'm sorry, on North
14 Point Boulevard near the overpass that you were
15 mentioning before.

16 A. Where the railroad tracks go over?

17 Q. Yes. Are you familiar with that
18 neighborhood today?

19 A. Not today, but I knew it back then. I
20 ought to.

21 Q. Can you tell us a little more

1 specifically where Mr. Landay's landfill was
2 located?

3 A. I think there are all buildings where
4 it was then. As I remember, it was between the
5 railroad tracks and Pulaski Highway back in
6 there, opposite where the City incinerator is.

7 Q. Opposite the City incinerator?

8 A. Yeah. Not across the street, on the
9 same side of the street as the City incinerator,
10 between the road, the cutoff underneath the
11 tunnel. I think it was.

12 Q. On Pulaski Highway by the City
13 incinerator?

14 A. I think you went in off North Point.

15 Q. Do you know whether anybody operated a
16 landfill where Fritz Sauer was operating his
17 landfill before Fritz Sauer began operating?

18 A. I have a feeling it was somebody out
19 there, but I don't know who.

20 Q. Do you recall when Fritz Sauer began
21 operating his landfill?

1 A. When?

2 Q. Do you recall when Fritz Sauer began to
3 operate his landfill?

4 A. No, I wouldn't have any idea.

5 Q. Aside from operating the landfill that
6 you mentioned do you know what other businesses,
7 if any, Mr. Landay was involved in?

8 A. I imagine it's a big list. That's all
9 I can say.

10 Q. Do you know whether Mr. Landay was in
11 the business of buying property, filling it in
12 and developing it?

13 A. I knew he was in land business. But I
14 don't know whether he was filling them in for the
15 purpose of selling them or what.

16 Q. Do you know what happened to the
17 landfill that Mr. Landay was operating on Pulaski
18 Highway?

19 A. Oh, I think there are buildings on it.
20 I'm not sure.

21 Q. Do you know whether Mr. Landay had

1 those buildings constructed?

2 A. I have a feeling he might have, but I
3 don't know.

4 Q. Do you know of any other properties
5 owned by Mr. Landay where he operated landfills
6 or allowed someone to operate a landfill?

7 A. Not to my knowledge. Right now I can't
8 think of any.

9 Q. Did you know that Mr. Landay owned the
10 property where Fritz Sauer was operating his
11 landfill?

12 A. Azrael is that the same?

13 Q. Did you know a gentleman by the name of
14 Azrael?

15 A. I know of him, yeah.

16 Q. How did you know him?

17 A. Just because of Landay.

18 Q. Had you met Mr. Azrael through
19 Mr. Landay?

20 A. I never met him that I can think of.

21 Q. I'm sorry, did you ever personally meet

1 with Mr. Landay?

2 A. Oh, yeah.

3 Q. Do you recall in what context that
4 would have been?

5 A. When I was using his landfill.

6 Q. Did Mr. Landay actually operate that
7 landfill or was someone else operating it?

8 A. I don't know. I know that he was the
9 one that wouldn't allow me to operate in there
10 anymore when I put Crown Cork's dust in there.

11 Q. Do you recall ever having any
12 conversations with Mr. Landay or Mr. Azrael
13 concerning Fritz Sauer's landfill?

14 A. (Shakes head in the negative.)

15 Q. Do you recall ever having any
16 conversations with either of those gentlemen
17 concerning the property where Fritz Sauer's
18 landfill was located?

19 A. I didn't even know they owned it.

20 MR. RYAN: Could you establish the time
21 when Landay helped with the move?

1 MS. CASANO: I believe Mr. Tyler
2 indicated it might have been the 50s or the 60s.

3 MR. JOSEPH: I would like to have read
4 back what Mr. Tyler said about Crown Cork &
5 Seal.

6 (The record was read by the reporter.)

7 Q. Mr. Tyler, going back to the period
8 that you've mentioned when you were in a bind and
9 used Sauer's landfill because Rosedale had
10 closed. Do you recall why Rosedale closed?

11 A. I can't remember what it was.

12 Q. Do you recall whether Rosedale closed
13 because it was essentially full?

14 A. I don't think so.

15 Q. Do you recall whether Rosedale closed
16 because there was some problem with either the
17 City of Baltimore or the County concerning use of
18 that landfill?

19 A. I'm a little mixed up. I had two
20 landfills there, Rosedale and one on Pulaski
21 Highway. The one on Pulaski Highway was next to

1 C. Jack's Colgate and that was taken over by the
2 County where Cloverleaf came in. That's where
3 Cloverleaf is now.

4 Q. Would that have been the Norris Farm
5 landfill?

6 A. North Point landfill maybe. Not North
7 Point, Pulaski Highway I guess we called it.

8 I don't know if it was a period of time
9 before we opened up the Rosedale one. I can't
10 remember the dates back there when it was. It
11 was a period in between I think.

12 Q. When I'm referring to Rosedale, I'm
13 talking about the landfill that was at 68th and
14 Pulaski.

15 A. Well, they are right next to each
16 other. They are joined to each other, the two
17 fills.

18 Q. Is it your recollection that one of
19 those landfills closed, but the other landfill
20 was still open?

21 A. I have a feeling that it was closed.

1 The other one hadn't opened.

2 Q. I'm sorry, I want to make sure I
3 understand. You had your landfill at 68th and
4 Pulaski. Then did you have two landfills at 68th
5 and Pulaski?

6 A. No. I had one that was on the
7 entrance, was not the same. It was on, really it
8 went across Colgate's property to get into it.
9 And that one we had to close. I don't know
10 whether it was condemned by the roadway taking
11 it. I can't remember why. And I'm not sure
12 whether that was the time. I don't remember
13 Rosedale being forced to close, but it might
14 have. I can't recall why we were closed, but I
15 know we were in a bind for a while there of where
16 to dump.

17 Q. Before your landfill closed and put you
18 in that bind, do you recall whether you had
19 started to decrease the amount of waste that you
20 were accepting at that landfill?

21 MR. LINGAN: Pat, what landfill are we

1 talking about? We've identified two separate
2 landfills and Mr. Tyler has identified two
3 separate and they were distinct locations. Can
4 we have a name attributed to the one that was
5 adjacent to Colgate to the extent the questions
6 are directed toward what he understand to be
7 Pulaski or Rosedale.

8 A. I have a feeling that it might be what
9 you're referring to on the Rosedale landfill and
10 that was owned by Mr. Cherkoff. It might have
11 been we had an argument with him and we couldn't
12 use that for a period until we got it worked
13 out. I'm not sure. I can't remember why.

14 Q. As I understand your testimony, there
15 came a period of time when you did not have a
16 landfill available that you owned or operated on
17 the southeast side of Baltimore and that's when
18 you used Sauer's landfill?

19 A. To my recollection that's what
20 happened. I can't say why we couldn't use it. I
21 don't know why. I can't remember why.

1 Q. And you don't recall whether before you
2 lost the use of your landfill in the southeast
3 part of Baltimore whether you had decreased the
4 amount of waste that you were accepting at that
5 landfill?

6 A. I don't remember anything cutting
7 back.

8 Q. Mr. Tyler, do you recall whether
9 General Motors was a customer of yours during the
10 1960s?

11 A. I would assume that it was, I'm not
12 sure.

13 Q. Can you recall whether General Motors
14 was a customer of yours during the time when you
15 were using Sauer's landfill?

16 A. I would assume that's right.

17 Q. Was General Motors a regular customer
18 of yours during the 1960s?

19 A. I don't know when we got it or whether
20 we got it or whether we've lost it. Maybe it's
21 still a customer, I'm not sure.

1 Q. Do you recall whether there were times
2 during the 1960s when General Motors was not your
3 customer?

4 A. I know we had it a long time. I don't
5 have any idea when we got it or if we still have
6 it.

7 Q. Do you recall whether you personally
8 ever talked to anyone from General Motors?

9 A. Oh, yeah.

10 Q. Do you remember the names of any of the
11 persons?

12 A. I don't remember any names. I know
13 I've been through the plant when we got it and
14 all.

15 Q. Do you recall what kind of containers
16 General Motors had that your company picked up?

17 A. I know we had dumpsters. A lot of
18 those big accounts we used two or three type
19 services depending upon the waste, whether office
20 waste or restaurant waste or machinery waste.

21 Q. Would any of those containers have been

1 specifically intended for liquid waste?

2 A. I'm sure it would be.

3 Q. Do you know of the different types of
4 wastes that you've mentioned which one of those,
5 if any, would have been a liquid waste?

6 A. Liquid containers are different type
7 containers than the trash container. You can't
8 put liquid in the trash container.

9 Q. Are you speaking with reference to a
10 bulk liquid?

11 A. Yeah. Or just paint cans and stuff
12 like that that would have liquids in them.

13 Q. Do you recall whether you picked up
14 those kinds of waste, whether your company picked
15 up those kinds of waste from General Motors?

16 A. I'm sure we did.

17 Q. Do you know how those wastes were
18 generated by General Motors, where they came from
19 at the General Motors' plants?

20 A. I watched them go through there, but
21 they have a plant that size. Where it comes from

1 in the plant you have no idea.

2 Q. Do you recall where the General Motors'
3 plant was located?

4 A. Oh, yeah.

5 Q. Where was that?

6 A. Broening Highway, down in that area.

7 Q. Do you know whether your company hauled
8 waste from General Motors that came from spray
9 booths at the General Motors' plant?

10 A. Where?

11 Q. Spray booths? Paint spray booths?

12 A. Anything that they had went into our
13 containers that they were getting rid of, I don't
14 know.

15 Q. So far as you know when General Motors
16 was your customer was any other company hauling
17 waste from General Motors?

18 A. Not to my knowledge. Might have been.

19 Q. Do you know whether any employee of
20 General Motors was hauling waste from General
21 Motors when it was one of your customers?

1 A. Possible. I haven't any idea.

2 Q. Have you ever heard of a gentleman
3 named Chevrolet Ray?

4 A. Chevrolet Ray?

5 Q. Yes.

6 A. (Shakes head in the negative.)
7 Somebody stealing my trash?

8 Q. Well, he was a General Motors'
9 employee, so it probably wasn't theft.

10 If General Motors was a customer of
11 yours during the time when you were using Sauer's
12 landfill, is it more likely that the General
13 Motors' waste would have gone to Sauer's landfill
14 than some other landfill?

15 MR. GRUMMER: Object to form.

16 A. What did he say?

17 MR. GRUMMER: Object to form.

18 Q. You can go ahead and answer the
19 question.

20 A. I can't tell you where it went. It's
21 possible.

1 Q. Do you have any reason to believe that
2 General Motors' waste would have been taken
3 somewhere other than Sauer's landfill during the
4 period that you were using Sauer's landfill?

5 MR. GRUMMER: Object to form.

6 A. I didn't hear what he said.

7 Q. You can go ahead and answer.

8 A. I'm not sure when the tunnel went in.
9 Anybody know when the tunnel went in?

10 Q. No.

11 A. It would have been easier maybe going
12 over there, that's the only thing I can think
13 of.

14 Q. Are you speaking of the Harbor Tunnel?

15 A. Yeah.

16 Q. Do you know of any instances when a
17 customer told you where to take waste?

18 A. (Shakes head in the negative), no.

19 No customers had anything to do with
20 after it left their yard, as far as where it
21 went, as far as I know of.

1 Q. That would have been the case during
2 the 1960s?

3 A. Any time. Oh, I take that back. It
4 was containers. We had their waste. It went to
5 a salvage area. That was the milk industries and
6 glass. They had salvage glass and they used our
7 containers and we took it to the glass company
8 where they designated it to go.

9 Q. And those are the only customers that
10 you can remember?

11 A. That's all I could remember.

12 MR. BYRD: Do you want to read that
13 answer back.

14 (The record was read by the reporter.)

15 Q. Mr. Tyler, do you recall whether
16 Western Electric was one of your customers during
17 the 1960s?

18 A. Isn't that the one you asked me
19 before?

20 Q. Yes.

21 A. When you asked me about wire?

1 1, 1962 at which time it became necessary to
2 increase our rate to \$20 per container load of
3 wire drawn waste, the situation with regard to
4 the Baltimore County authorities has not
5 changed.

6 "However, we are making every effort to
7 have the present ordinance governing our landfill
8 operations changed so that our proposed method of
9 operation will be both legal and sufficiently
10 economical to warrant a reduction in our rate for
11 disposing of the above mentioned material.

12 "We will notify you if and when the
13 above comes to pass."

14 And that's the end of the quotation.

15 Mr. Tyler, have you finished reviewing
16 Tyler Exhibit 10?

17 A. Yes.

18 Q. Does this refresh your recollection as
19 to whether Western Electric was a customer of
20 yours at least in 1962?

21 A. It must be.

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p. 56 missing

1 Q. Directing your attention to the first
2 paragraph of the letter. Do you know what
3 situation with regard to the Baltimore County
4 authorities Mr. Mulberry was referring to?

5 A. No, I don't. I know at one time we had
6 a problem with the oil we put in an oil-buring
7 incinerator and I took the authorities down to
8 Norfolk where I bought it from and they okayed it
9 and we came back and used that to dispose of oils
10 and paint sludge and so forth.

11 Q. Do you know whether the wire-drawn
12 waste to which this letter refers was an oil?

13 A. I don't know.

14 Q. Do you recall that you did increase
15 your rate after you installed this incinerator
16 that you mentioned?

17 A. We may have, I don't know.

18 Q. Do you recall where that incinerator
19 was installed?

20 A. I think it was after this period of
21 time. I don't think it was during this period of

1 time.

2 Q. The second paragraph of Exhibit 10
3 refers to an ordinance governing landfill
4 operations. Do you recall what that ordinance
5 was?

6 A. No. Sorry.

7 Q. The second paragraph also refers to a
8 proposed method of operation. Do you recall
9 whether that was the incinerator that you're
10 talking about or whether that was something
11 else?

12 A. I think the incinerator came later.

13 Q. Do you recall whether Western Electric
14 continued to be a customer of yours after this
15 letter was sent?

16 A. I can't say yes or no about it. I feel
17 it was, but I don't know.

18 Q. Actually, I should have asked you
19 earlier. Do you recall seeing this letter before
20 back in 1962?

21 A. I don't even remember the problem with

1 it.

2 Q. Can you definitely recall any period of
3 time during the 1960s when Western Electric was
4 not a customer of yours?

5 A. No, I can't.

6 Q. Do you recall talking to anyone from
7 Western Electric during the 1960s?

8 A. I couldn't tell you the dates of it.

9 Q. Do you recall the names of any of the
10 persons with whom you would have spoken to?

11 A. I have a feeling that they weren't a
12 customer for a lot of the time that we were
13 there. I don't remember this period.

14 MR. GUTTER: Pat, did he say weren't?

15 MS. CASANO: Weren't.

16 Q. Do you recall who served Western
17 Electric when they were not a customer of yours
18 during the 1960s?

19 A. I'm not sure.

20 Q. Do you know whether Western Electric
21 was a customer of Fritz Sauer at any time during

1 the 1960s?

2 A. I think at one time he had some kind of
3 a salvage arrangement with them, but I don't
4 know.

5 Q. We have had some testimony that
6 indicates that Western Electric was a customer of
7 Fritz Sauer in the early 1960s, and that he lost
8 that contract and Western Electric became a
9 customers of yours.

10 A. Maybe that's what this is about, I
11 don't know.

12 Q. Do you have any recollection of that
13 occurring at all?

14 A. No, I don't.

15 Q. If Western Electric was a customer of
16 yours during the period when you were using
17 Sauer's landfill, do you know where Western
18 Electric waste would have gone during that
19 period?

20 A. I think I tried to answer that a little
21 while ago, but we didn't know when the tunnel

1 opened whether we would have taken it there or to
2 Fritz during that period. I don't know.

3 Q. Did you ever see, did you ever visit
4 the Western Electric plant when it was one of
5 your customers?

6 A. I think I've been there.

7 Q. Do you recall what kind of containers
8 you had at the Western Electric plant?

9 A. No, I don't.

10 Q. Do you recall what kind of waste your
11 company hauled for Western Electric?

12 A. I can't remember this wire-drawn oil.
13 I don't know.

14 Q. As far as you know when Western
15 Electric was a customer of yours, was any other
16 company hauling waste from Western Electric?

17 A. Those are all possible. Some of them,
18 as you say, it was Chevrolet Sam or whatever his
19 name was.

20 Q. He was at General Motors.

21 Generally speaking, when you had a

1 contract with a customer during the 1960s to
2 remove that customer's waste, did you have an
3 exclusive contract with the customer or could
4 some other company have been doing business with
5 them at the same time?

6 A. I don't think our contract covered that
7 point.

8 Q. So far as you knew back in the 1960s,
9 was it more often the case that when you had a
10 customer you were the only company disposing of
11 that customer's waste?

12 A. Well, a good many of the companies that
13 we handled their waste for had salvage operations
14 going in their plant and that would cut down on
15 their trash, like cardboard and so forth, so I
16 don't know whether that could be considered
17 someone else taking it out. If they didn't come,
18 we took it.

19 Q. Do you recall whether General Motors
20 had any salvage operations when they were a
21 customer of yours?

1 A. I wouldn't be surprised.

2 Q. Do you recall whether Western Electric
3 had any kind of salvage operation when it was one
4 of your customers?

5 A. It's possible. I don't know.

6 Q. Mr. Tyler, do you recall whether
7 Baltimore Gas and Electric was a customer of
8 yours during the 1960s?

9 A. I'm sure it was, but I couldn't say
10 positive.

11 Q. Can you recall when Baltimore Gas and
12 Electric was a customer of yours?

13 A. No.

14 Q. Do you recall any period during the
15 1960s when Baltimore Gas and Electric was not a
16 customer of yours?

17 A. I really don't know when they came and
18 went, but I'm pretty sure we had them.

19 Q. Do you recall what facilities of
20 Baltimore Gas and Electric you would have
21 serviced during the 1960s?

1 A. Containers, I think they were.

2 Q. I'm sorry, when I say facilities I mean
3 particular buildings or plants?

4 A. Oh, no, I don't know where all the
5 locations were. They were all around.

6 Q. Do you recall what kind of waste you
7 would have hauled from Baltimore Gas and
8 Electric?

9 A. No way.

10 Q. Do you know whether Baltimore Gas and
11 Electric had any type of salvage operation when
12 it was a customer of yours during the 1960s?

13 A. No.

14 Q. Do you recall whether you talked to
15 anyone from Baltimore Gas and Electric during the
16 1960s?

17 A. I don't remember any names or anything
18 like that. I don't believe I would have, but I
19 think maybe it would be Mr. Mulberry.

20 Q. Do you recall whether your company ever
21 hauled fly ash for Baltimore Gas and Electric?

1 A. We never hauled it, no.

2 Q. Do you know who did?

3 A. No.

4 Q. Do you recall whether fly ash from
5 Baltimore Gas and Electric was disposed of at
6 your landfill on Pulaski Highway during the
7 1960s?

8 A. I don't know whether it was the 1960s,
9 but we got rid of an awful lot of it.

10 Q. Did you know a gentleman by the name of
11 Warren Parker?

12 A. Yes, I knew him.

13 Q. How did you know him?

14 A. I think he hauled a lot of the fly ash
15 into our fill.

16 Q. Do you recall whether during the period
17 when your landfill was closed and you were using
18 Sauer's landfill whether Mr. Parker also used
19 Sauer's landfill?

20 A. I doubt it.

21 Q. Why do you doubt that?

1 A. I just don't remember it.

2 Q. You don't remember it?

3 A. No.

4 Q. I take it you personally did not see
5 Mr. Parker or any of his employees hauling fly
6 ash to Sauer's landfill?

7 A. No. That wouldn't have come to this
8 side of town much anywhere where you're talking
9 about.

10 Q. Why is that?

11 A. Because the plant is over on the other
12 side of town where the fly ash came from.

13 Q. Do you know whether Fritz Sauer ever
14 used fly ash for cover at his landfill?

15 A. Possible. I don't know. I don't
16 remember. Fly ash, when we used it, was for fire
17 prevention to keep fires out of it and cover.

18 Q. Was the fly ash something that you
19 arranged to have Parker dump at your landfill
20 specifically for that purpose as opposed to
21 Mr. Parker just coming in as a customer and

1 dumping fly ash?

2 A. That's correct. We were after the fly
3 ash, but we never paid for it and they didn't pay
4 us.

5 Q. It was a mutually beneficial
6 arrangement.

7 Do you know whether Mr. Parker ever
8 used any other landfill besides yours to dump fly
9 ash?

10 A. I wouldn't be surprised. Somebody else
11 hauled it, too, besides Parker. I don't know
12 who.

13 Q. Would that have been during the 1960s?

14 A. I don't remember dates.

15 Q. Do you recall whether Mr. Parker used,
16 I'm sorry hauled fly ash from any company other
17 than Baltimore Gas and Electric?

18 A. I don't know any of them that haven't.

19 Q. Did your company ever haul fly ash from
20 any company other than Baltimore Gas and Electric
21 during the 1960s?

1 A. We never hauled it.

2 Q. Do you know of any company besides
3 Baltimore Gas and Electric that generated fly ash
4 during the 1960s?

5 A. I don't recall.

6 Q. Do you know what fly ash looks like?

7 A. I sure do.

8 Q. What does it look like please?

9 A. It's either talcum powder or it's
10 grease. If it's dry, it's talcum powder. If
11 it's wet, it's just like grease, nothing worse.

12 Q. Can you distinguish fly ash from
13 incinerator ash?

14 A. Yes.

15 Q. What does incinerator ash look like?

16 A. It's got all kinds of things in it.
17 Like the City incinerator ash; tin cans, glass,
18 unburned garbage.

19 Q. Are you familiar with a company called
20 Modern Trashmoval, Mr. Tyler?

21 A. I am.

1 Q. And how are you familiar with that
2 company?

3 A. I bought it. And sold it.

4 Q. When did you buy it?

5 A. I would have to look at records to see
6 now.

7 Q. We have some evidence that indicates
8 that you acquired it in 1975, does that refresh
9 your recollection as to when?

10 A. Perfectly possible.

11 Q. I take it, did you have any involvement
12 with Modern Trashmoval during the period that you
13 were using Sauer's landfill?

14 A. I can't imagine if I bought it in '75.

15 Q. Do you recall whether Modern Trashmoval
16 used your landfill before you started to use
17 Sauer's landfill?

18 A. Modern used our fills for a long time.
19 I don't know when they started and when they
20 didn't. They used it as least as they could.

21 Q. Why is that?

1 A. Well, they were pretty strong
2 competitors.

3 Q. Do you recall whether --

4 MS. DOANE: Could I have that read
5 back.

6 (The record was read by the reporter.)

7 Q. I take it by that you meant, Mr. Tyler,
8 they used your landfill as seldom as necessary?

9 A. That's right.

10 Q. Do you know whether Modern Trashmoval
11 used Sauer's landfill when you were using Sauer's
12 landfill?

13 A. I couldn't say that. I don't know. I
14 wouldn't have any idea.

15 Q. Mr. Tyler, did you ever have any
16 conversation with Fritz Sauer concerning who is
17 responsible for cleaning up the property where
18 his dump was located?

19 A. No, we came and went. He kept on
20 operating.

21 Q. Do you know when he closed that

1 landfill?

2 A. I don't have any idea.

3 Q. When you visited Sauer's landfill, can
4 you recall, Mr. Tyler, from when you visited
5 Sauer's landfill approximately how big the
6 landfill was?

7 A. I really can't. It never struck me as
8 being very large.

9 Q. Are you familiar with Patterson High
10 School?

11 A. Yeah, I know where it is.

12 Q. Do you recall seeing Patterson High
13 School when you visited Sauer's landfill?

14 A. No.

15 Q. Do you know whether anyone other than
16 Fritz Sauer or an employee of Fritz Sauer or your
17 bulldozer operator operated bulldozers or
18 excavating equipment or other heavy equipment at
19 Sauer's landfill?

20 A. I don't understand that question.

21 Q. During the time when you were using

1 Sauer's landfill, do you know whether anyone
2 other than Sauer, his employees, his customers,
3 and your companies had any kind of an earth
4 moving operation going on at Sauer's landfill?

5 A. No, I wouldn't know that. I wouldn't
6 know that.

7 Q. Do you know whether anyone operated any
8 type of landfill at that property after Sauer
9 stopped doing business there?

10 A. I wouldn't know that. After my time I
11 think.

12 MS. CASANO: I think I'm finished. Why
13 don't we take a 10-minute break and let me caucus
14 with Andy.

15 THE WITNESS: Okay.

16 (Brief recess taken).

17 Q. You testified earlier this morning,
18 Mr. Tyler, that you used Sauer's landfill during
19 the period when you didn't have a landfill, when
20 your landfill had closed. Do you know whether
21 your drivers used Sauer's landfill at any other

1 time?

2 A. Not to my knowledge.

3 Q. Do you know for certain that your
4 drivers did not use Sauer's landfill at any time
5 other than the period that you know of?

6 A. I have no way of telling.

7 Q. Did your company experience -- did any
8 of your companies experience any strikes during
9 the 1960s?

10 A. Any what?

11 Q. Strikes, by drivers or other
12 employees?

13 A. We had a strike, but I can't remember
14 when it was.

15 Q. Do you remember how long a period of
16 time the strike lasted?

17 A. I think the strike that we had before I
18 went with Browning-Ferris might have lasted a
19 couple of weeks.

20 Q. Do you recall whether your landfills
21 continued to be opened during the strike?

1 A. I think certain amount of stuff went in
2 there.

3 Q. Do you recall whether you used Sauer's
4 landfill during that strike?

5 A. I don't recall. I don't remember when
6 it was. If you give me the date when it was, I
7 might know something, but I don't know when the
8 strike was.

9 Q. Do you recall whether there were
10 pickets at your landfills during that strike?

11 A. I think my memory is mixed up with a
12 strike that was in there when Browning-Ferris had
13 it. But our strike, I don't remember. I don't
14 remember where we went. I do remember it was
15 some problems, but I can't remember what they
16 were.

17 Q. With your strike before you went with
18 Browning-Ferris, do you recall whether there were
19 pickets at any of your landfills?

20 A. Oh, I think there were.

21 Q. Do you know whether other companies

1 that normally would have used your landfills went
2 to other landfills because of the pickets?

3 A. I guess they would have. I don't
4 know.

5 Q. Do you know whether any companies that
6 normally would have used your landfill went to
7 Sauer's landfill during the strike?

8 A. I wouldn't know. No way, I wouldn't
9 know.

10 Q. Mr. Tyler, I'm going to show you a
11 document that previously was marked as Tyler
12 Exhibit 12 at your son's deposition. And I would
13 ask you to just review the first and second page
14 if you would please, not in detail, but if you
15 would review it to acquaint yourself with what it
16 is.

17 A. I don't know what I'm looking at.

18 Q. I take it you don't recall --

19 A. I don't know what it is. What is this
20 sheet? I don't remember seeing it.

21 Q. This is a document that was produced by

1 Browning-Ferris in this litigation. It appears
2 to be an accounts receivable list for Robb Tyler
3 that was given to Browning-Ferris at the time
4 Browning-Ferris acquired Robb Tyler. You have
5 not seen this document before I take it?

6 A. No, I don't know what they're talking
7 about here.

8 Q. Directing your attention to the second
9 page of Exhibit 12, Mr. Tyler.

10 A. Here?

11 Q. Right. If you look at the left hand
12 most column it's headed CUST period NO period
13 which I assume means customer no..

14 A. Yeah.

15 Q. Do you know whether those customer
16 numbers have any meaning, for example, the first
17 entry is customer no. 1024 A-1 Plating Company.
18 Does the number 1024 have any significance
19 indicating, for example, the type of customer or
20 when the company became a customer?

21 A. No, I don't know anything about it.

1 Q. Do you know how customer numbers were
2 assigned?

3 A. No.

4 MS. CASANO: I have no further
5 questions.

6 EXAMINATION BY MS. MARKS.

7 Q. Good morning, Mr. Tyler.

8 A. Good morning.

9 Q. My name is Pamela Marks, and I
10 represent the State of Maryland Department of the
11 Environment. And I have a few additional
12 questions that I hope will be relatively brief.
13 Can everybody hear me?

14 Mr. Tyler, do you remember which of
15 your customers during the 1960s sent liquids for
16 disposal with your company?

17 A. Sent?

18 Q. Would have your company pick liquids up
19 for disposal?

20 A. I couldn't possibly name them all,
21 because I don't think we had them listed that

1 way. I don't remember what kind of liquids they
2 were or how much, what quantity they would be.

3 Q. Do you remember whether Western
4 Electric, whether your company hauled liquids
5 from Western Electric?

6 A. Only what they told me today of this
7 drawing, and I'm not sure when we got the
8 account. I understand by your -- what you all
9 told me here today it was sometime in the '60s.

10 Q. Did you visit the Western Electric
11 plant?

12 A. I don't remember. I may have.

13 Q. Do you know whether Western Electric --
14 let me rephrase it. Do you know whether your
15 company picked up drummed wastes from Western
16 Electric?

17 A. I think I testified that I'm not at all
18 familiar with when we got it and what we hauled
19 out of there. But if there were drums there to
20 be hauled, we would have taken them. We took
21 anything that we were required to in our

1 arrangement with them if it was a customer of
2 ours.

3 Q. Now, Mr. Tyler, I believe you testified
4 earlier that you have met Warren Parker; is that
5 correct?

6 A. Warren Parker?

7 Q. Yes.

8 A. Yes, I know him.

9 Q. Do you know him personally?

10 A. Yeah.

11 Q. You've met with him?

12 A. Yes.

13 Q. On what subjects would you meet with
14 Mr. Parker?

15 A. I imagine my dealings with Parker was
16 to do with fly ash. That's all I can think of
17 right now.

18 Q. What was your arrangement with
19 Mr. Parker for fly ash?

20 A. When they give us fly ash we took it.
21 We used it to solidify the landfill. There's no

1 cash transactions.

2 Q. Was there any kind of a contract?

3 A. No, not that I remember.

4 Q. Was there any kind of an understanding
5 or agreement regarding the time periods that
6 Mr. Parker would be bringing in fly ash?

7 A. Not that I remember.

8 Q. Do you recall anything about -- let me
9 rephrase that.

10 Did you ever make any kind of
11 assurances to Mr. Parker as to the availability
12 of landfill space for fly ash?

13 A. All I can remember is taking the fly
14 ash in when it came, and designating where we
15 wanted it put.

16 (Whereupon, R. Tyler Deposition
17 Exhibit Nos. 1-E and 1-F, letters dated 4/22/66
18 and 5/17/68, marked.)

19 Q. Do you recall whether you had any
20 discussions with Mr. Parker regarding which
21 facilities fly ash came in from?

1 A. No.

2 Q. Do you have any knowledge -- and I
3 understand some of these questions may be a
4 little repetitive from what you were asked this
5 morning by Ms. Casano and I will try to limit the
6 repetition.

7 A. As I said, all that we used the fly ash
8 for was to help solidify the landfill. They were
9 doing me a favor and I must have been doing them
10 a favor to get rid of that material.

11 Q. Are you familiar as to whether there
12 was a Baltimore Gas and Electric Company in the
13 Riverside area?

14 A. I'm just trying to place it. I saw
15 that -- Riverside I can't place where Riverside
16 is.

17 Q. When you referred to you saw it in a --
18 you just saw a reference to Riverside, you're
19 referring to a document that was shown to you
20 during the break?

21 A. Yes.

1 Q. That is marked as Exhibit 1-E; is that
2 correct?

3 A. I guess so. Looking it over here.
4 This one.

5 Q. Mr. Tyler, let me give you a marked
6 copy.

7 MR. MASUR: What number.

8 MS. MARKS: The April 22nd, 1966 letter
9 is marked Exhibit 1-E, and I will also hand
10 Mr. Tyler an exhibit marked 1-F that is dated May
11 17, 1968.

12 Q. Mr. Tyler, the exhibit that's marked
13 1-E which is a 1966 letter does use the term
14 Riverside area. Is it your testimony that you
15 don't recall or have any knowledge as to where
16 the Riverside area is?

17 A. Not by the description of Riverside
18 area, I'm not quite sure which plant that is of
19 theirs.

20 Q. Are you familiar with whether or not
21 there was a Baltimore Gas and Electric facility

1 in the vicinity of southeast Baltimore?

2 A. I'm sure there is, but I'm not sure if
3 Riverside is the plant. I don't know what
4 Riverside represents.

5 Q. When you say you're sure there was or
6 is are you thinking of a particular plant or are
7 you just speculating?

8 A. I know they had a plant down in Middle
9 River Way. They had a plant. It's on the water
10 in south -- across the Arundel side in Anne
11 Arundel County. And there was one down, too, I
12 think, I'm not sure where Riverside is.

13 Q. Did you ever discuss with Mr. Parker
14 whether or not there was any need for fly ash
15 disposal in the southeast Baltimore vicinity?

16 A. He knew why we would take it. And when
17 he had it -- I guess to his convenience which
18 area he would bring it to us. I don't know. We
19 didn't always get it. But we got a lot of it.

20 Q. May I ask you to turn your attention to
21 Exhibit 1-F which is the 1968 letter.

1 A. This one?

2 Q. That's correct. Let me turn your
3 attention to the second paragraph of that
4 letter. The second sentence of that paragraph
5 says, "Since our last correspondence we have had
6 conferences with Robb Tyler (Refuse Disposal,
7 Inc.) and he has assured us of sufficient
8 landfills for the next two years. Mr. Tyler --
9 that's the end of the quotation.

10 Mr. Tyler, does that refresh your
11 recollection as to any conversations you may have
12 had with Warren Parker about assurances for
13 landfill space?

14 A. It doesn't bring back any instance in
15 my conversation with him. He knew that we would
16 like to get that, because it helped us as I said
17 to solidify the landfills. It held down fires
18 and that was a mode of our existence existence
19 were fires.

20 Q. Mr. Tyler, do you have any knowledge as
21 to whether fly ash that had previously gone to

1 any of your landfills would have gone to Sauer's
2 dump during the period after Rosedale closed?

3 A. I don't remember anything about it.

4 Q. Earlier this morning, Mr. Tyler, I
5 believe you referred to Fritz Sauer and you as
6 friendly competitors; is that correct?

7 A. That's right.

8 Q. Were there other ways that you helped
9 one another in addition to what was described
10 today?

11 A. I don't remember. I can't remember any
12 other dealings with him. There may have been but
13 I can't remember any specific.

14 Q. Did Fritz Sauer use your landfill at
15 times?

16 A. He may have. I don't know. If he did,
17 it would have been after these days, because it
18 would have been after Norris Farm landfill had
19 opened.

20 Q. Do you have any knowledge or
21 recollection as to whether or not any drivers

1 employed by you would have used his landfill?

2 A. No. That was asked before I think and
3 I have no idea.

4 Q. Do you recall since you and Fritz Sauer
5 were competitors, who you chiefly competed for as
6 customers?

7 A. No. Whatever went in his, whatever
8 came to us. We didn't solicit business to come
9 into our landfill.

10 Q. You didn't solicit business to come
11 in?

12 A. No.

13 Q. You had salesmen though, correct?

14 A. We used our landfill mostly for our own
15 use. And we did allow our competitors to use it,
16 other trash dealers around town, but we didn't
17 solicit it.

18 Q. Well, did you solicit competitors --
19 did you solicit customers for waste pick up,
20 customers such as Western Electric or General
21 Motors?

1 A. Of course, we were always after
2 business; is that what you mean?

3 Q. Right.

4 A. Yes. That's what Mr. Mulberry's job
5 was.

6 Q. And did Fritz Sauer compete with you
7 for those customers?

8 A. Not that I can remember.

9 Q. Do you remember or have any
10 recollection as to whether or not Fritz Sauer
11 ever competed for Western Electric as a
12 customer?

13 A. I understand from refreshing my memory
14 earlier today, that he had been in there. That
15 was more or less his large account I think at the
16 time.

17 Q. Is that your only recollection today as
18 to Western Electric?

19 A. I would imagine that they called us,
20 Western Electric.

21 Q. Do you know whether or not Western

1 Electric ever went back to being Fritz Sauer's
2 customer?

3 A. I have no idea. That's 25 years ago.

4 Q. You referred to Modern as a competitor
5 of yours?

6 A. Yeah.

7 Q. In what way were they a competitor?

8 A. Any way you want to put it. They were
9 in the trash pick up and so were we.

10 Q. Did they also operate a landfill?

11 A. No.

12 Q. So they were solely in the trash pick
13 up business?

14 A. That's right.

15 Q. And being in the trash pick up business
16 they needed a place to dump; is that right?

17 A. That's correct.

18 Q. Do you have any idea where Modern --
19 what landfills Modern regularly used if they
20 weren't using your landfills?

21 A. There were a lot of areas in those

1 days, but the City and the County he used them
2 pretty much, too.

3 Q. Did the City and the County charge more
4 for dumping than you charged?

5 A. As a rule.

6 Q. Are you familiar with a Bohager?

7 A. Very much so.

8 Q. Who is that?

9 A. That was Modern's relative, nephew of
10 Francis Bohager had Modern and Buddy Bohager had
11 the Bohager Company.

12 Q. What business --

13 MS. DOANE: I'm sorry. Would you read
14 that back.

15 (The record was read by the reporter.)

16 Q. You referred to Buddy Bohager as being
17 the person who owned the Bohager Trash?

18 A. Yeah.

19 Q. What business was Bohager in?

20 A. He was mostly in waste paper.

21 Q. What does that mean?

1 A. Basically paper, selling it to the
2 manufacturers, paper industry.

3 Q. Did Bohager pick up any trash or waste
4 for disposal?

5 A. I'm not sure when he got into the waste
6 business. For a long time he was just in the
7 waste paper business.

8 Q. At some point in time did Bohager get
9 into the waste business?

10 A. Yeah.

11 Q. Do you have any idea when that was?

12 A. No, I don't.

13 Q. When he was in the waste business, did
14 he pick up trash or did he operate a landfill, or
15 what was his connection with the waste business?

16 A. I don't think he had a landfill. I
17 don't remember. He just had trash trucks.

18 Q. Do you know how many trash trucks he
19 had?

20 A. No.

21 Q. Do you know where his trash trucks

1 dumped the trash they picked up?

2 A. No, some came on us. Some went other
3 places.

4 Q. Do you have any knowledge as to whether
5 or not his trash trucks dumped at Sauer's dump?

6 A. I have no idea.

7 Q. That's all the questions that I have.

8 Oh, it's not. Just a moment. I'm
9 sorry just a few more questions.

10 Mr. Tyler, did you have to compete with
11 anybody else for fly ash?

12 A. I think so, but I don't know. I think
13 there was some others, but I'm not sure.

14 Q. If there was --

15 A. I think he sold a lot of it. Parker
16 sold a lot of it.

17 Q. Parker sold fly ash?

18 A. Yeah. I think he used it in building
19 blocks and stuff.

20 Q. Do you know who else, in addition to
21 yourself, Parker supplied fly ash too?

1 A. I don't think I do. It might possibly
2 have been some went to -- no, I don't believe I
3 do.

4 Q. Do you have any knowledge as to whether
5 Warren Parker had any arrangements with Fritz
6 Sauer to supply fly ash?

7 A. No, I don't know.

8 Q. During the 1960s, did you obtain fly
9 ash from any other haulers besides Warren
10 Parker?

11 A. I really don't know if he was always
12 the hauler of it or not, I don't know. Gas and
13 Electric might have had other haulers, I don't
14 know.

15 Q. Are you familiar with a White
16 Contracting?

17 A. White?

18 Q. Uh-huh.

19 A. The color, White Contracting Company?

20 Q. What did you say?

21 A. What did you say it's called White

1 Contracting?

2 Q. Right. The name white.

3 A. DeWhite? What's the name?

4 Q. Just all I know is the name White, as
5 is in the color, contracting.

6 A. No, Parker was colored.

7 Q. But you are not familiar with the name
8 of a company that was called White Contracting?

9 A. Doesn't ring any bells now.

10 MS. MARKS: Now I think I'm finished.

11 Thank you.

12 MS. CASANO: It's quarter after 12:00
13 do you want to take a lunch break or do you want
14 to keep going for a while?

15 MR. LUTZ: Off the record.

16 (Discussion off the record.)

17 EXAMINATION BY MR. GRUMMER:

18 Q. Mr. Tyler, my name is Mark Grummer and
19 I represent General Motors.

20 I take it that Modern was a customer as
21 well as a competitor in the sense --

1 A. That's right. Yes, certainly.

2 Q. Because they purchased dumping services
3 from you?

4 A. That's right.

5 Q. I would like to show you a document
6 that was marked at Allie Tyler's deposition as
7 Exhibit 11. I'm going to ask you to take a quick
8 look at that please.

9 The top line of this document reads
10 dumping prices for Norris Farm and Quarantine
11 landfill. At the bottom it states effective
12 October 1st, 1969. And the first line reads --

13 A. Norris Farm. Yes.

14 Q. The first line reads "loose trash, 40
15 cents per yard, less discount 25 percent.
16 Modern's price 30 cents per yard."

17 Mr. Tyler, have you ever seen this
18 document before?

19 A. I don't remember it. But I can see
20 what it was referring to. I think we had some
21 special arrangement with them.

1 Q. You had a special arrangement with
2 whom?

3 A. It looks like we must have had a
4 special arrangement on pricing with them.

5 Q. Can you describe that special
6 arrangement for me?

7 A. Well, it says here that they got a 25
8 percent discount. Modern's price 30 cents.

9 Q. Can you recall anything else about that
10 arrangement?

11 A. No, except they were most likely one of
12 our larger dump customers.

13 Q. They were one of your larger dump
14 customers?

15 A. They had a bunch of trucks too. The
16 rest of them individual.

17 Q. Did Modern have customers in
18 southeastern Baltimore?

19 A. I think they were all around just as we
20 were.

21 Q. What landfills did Modern use for the

1 customers in southeast Baltimore?

2 A. Whichever were convenient for them.

3 Q. Whichever ones were closest?

4 A. Yeah.

5 Q. Can you remember if Modern did in fact
6 use Norris Farms?

7 A. I know that Modern went to the city
8 every chance they got, because there was a lot
9 less chance of flat tires and so forth. When
10 they couldn't get there, wouldn't take their
11 stuff or was more convenient to come to us, they
12 came.

13 Q. What would make it more convenient for
14 them to come to you?

15 A. Mileage.

16 Q. Mileage?

17 A. Yeah.

18 Q. I take it then they would come to your
19 landfill if your landfill was closer?

20 A. That's right.

21 Q. Do you know if Modern ever dumped at

1 the 68th and Pulaski landfill that you operated?

2 A. I imagine they did. I don't know.

3 Q. Where was the City landfill located?

4 A. The City had a landfill on, I think,
5 one was on Herring Run, and then they had the two
6 City incinerators, one on Philadelphia Road and
7 one down in The Flats, down in Brooklyn.

8 Q. Which of those would be closest to your
9 landfill at 68th and Pulaski?

10 A. Well, we had landfills down there too.
11 Quarantine Road.

12 Q. Can you remember any particular Modern
13 customers in southeast Baltimore?

14 A. You name one, I might be able to say
15 yeah, maybe that was Modern, although in some
16 instance we had the same customers in a different
17 location. Same --

18 Q. In a moment I will ask you about some
19 specific companies.

20 Did Bohager have customers in southeast
21 Baltimore?

1 Q. Prior to the time that they left town
2 as you described it a moment ago, was this a time
3 in the '60s or the '70s when they were not your
4 customers?

5 MS. DOANE: Object as to form.

6 A. I don't know whether somebody else had
7 them or not, I don't know. I don't know when we
8 got them or when we lost them. I think we lost
9 them when they went out of town.

10 Q. Do you know if Standard Oil was ever a
11 customer of Fritz Sauer?

12 A. Not that I know of. They might have
13 been. I couldn't say yes or no.

14 Q. Do you know if they were ever a
15 customer of Modern's?

16 A. I don't know.

17 Q. Do you know anything about the type of
18 wastes that your company picked up from Standard
19 Oil?

20 A. Oh, yes. It was tank cleanings.

21 Q. Tank cleanings?

1 A. Yes.

2 Q. Could you describe those for me --

3 A. Of course office buildings and all of
4 that had trash too, but the tank cleanings, yeah,
5 we worked with the County authorities, State
6 authorities on waste, wastewater treatment. And
7 they supervised us, worked with us on getting rid
8 of this oil sludge for them.

9 Q. You just mentioned oil sludge?

10 A. Tank cleaning was mixed -- the way they
11 clean the tank, as I understand it, is with steam
12 and hot water and so forth, and it's really 90
13 percent water, well, maybe 80 percent water and
14 something, heavy dirt and oil that would come to
15 the top of the water.

16 Q. Are you describing Standard Oil?

17 A. Yeah.

18 Q. So your company would work with the
19 City in helping clean up Standard Oil materials?

20 A. They were supervising our work. They
21 had a man, I can't think of his name, Silverman

1 or something like that, who was there and dealt
2 with us and watching the way we did it and
3 advised us.

4 Q. So the city was supervising your work
5 at Standard Oil?

6 A. I don't know whether it was State or
7 City.

8 Q. Can you tell me approximately what time
9 this was taking place?

10 A. No.

11 Q. Do you know if it was --

12 A. I couldn't go back to when it was.

13 Q. Do you know if it was the 1960s or the
14 1970s?

15 A. Well, I don't know about the '70s,
16 because I left there in '72. I think Standard
17 Oil had gone then.

18 Q. Was this in the '60s?

19 A. Well, whenever they left. Before they
20 left, yeah.

21 Q. Was it before 1972?

1 A. I have a feeling it was, but I don't
2 know.

3 Q. How often would -- you have a name for
4 this process?

5 A. It would only be done in periodic
6 times. It wasn't a thing that came along every
7 day or anything like that. It would be more or
8 less a contract arrangement to get it out.

9 Q. Can you remember anybody at Standard
10 Oil that you dealt with in this connection?

11 A. No, I don't.

12 Q. Can you tell me how often this would
13 occur?

14 A. I don't know. Once a year say,
15 something like that. And then skip another
16 year. It wasn't too often, but it was right much
17 at the time. I don't know. I really don't
18 know. I can't tell you.

19 Q. Would Standard Oil call you to set this
20 up?

21 A. Oh, yeah.

1 Q. But you can't remember who called?

2 A. No, I don't have any idea. I might not
3 have even handled it. It might have been
4 Mr. Mulberry who handled it.

5 Q. Would you then send employees to
6 Standard Oil?

7 A. I have a feeling they brought it out.
8 I'm not sure though. I think their tank trucks
9 brought it out.

10 Q. You say you think Standard Oil's own
11 employees and Standard Oil's own tank trucks
12 brought it out?

13 A. I'm not sure. I think they did.
14 Because I didn't have a tank truck.

15 Q. But you recall material being brought
16 out in tank trucks?

17 A. I think that's what it was.

18 Q. Where was it brought to?

19 A. Only place we had it was Pulaski
20 Highway. We had a landfill there.

21 Q. Pulaski Highway?

1 A. Yes.

2 Q. Your landfill at Pulaski Highway?

3 A. I think that's the one that the State
4 took over the property and put the Cloverleaf
5 Highway that comes across Pulaski Highway North
6 Point.

7 Q. When did the State do that?

8 A. I don't know. That's what I tried to
9 recall earlier, but I'm not sure when it was.

10 Q. Do you recall if that ever happened
11 while you were using Sauer?

12 A. Oh, no. That would have been a
13 different time than that. That would have never
14 gone into Sauer.

15 Q. Do you recall any other types of wastes
16 that Standard Oil had?

17 A. No, I don't. I'm sure they had others
18 in their big yard down there. They mostly had
19 containers around. I don't know. I'm sure they
20 had other wastes.

21 Q. Do you know anything about the nature

1 of those wastes?

2 A. No. Just whatever a big yard would
3 have.

4 Q. Do you remember the names of any of
5 your employees who worked with Standard Oil?

6 A. Our drivers, no, I wouldn't know which
7 ones.

8 Q. Can you tell me the location
9 approximately of the Standard Oil facility that
10 you're referring to?

11 A. The only way I can point it out, it was
12 not too far from the Baltimore candle. You go
13 back that far. It was a burning flame that was
14 going all the time. So it was in that big area
15 down there in southeast Baltimore.

16 Q. Do you know approximately how far that
17 was from your landfill at 68th and Pulaski?

18 A. Oh, three miles maybe, maybe not that
19 far, I guess it was.

20 Q. When your company hauled waste from
21 that Standard Oil facility where did they take

1 them?

2 MS. DOANE: Objection to form.

3 A. They took it to the landfill as I said
4 on north -- Pulaski Highway.

5 Q. Do you recall a company named Anchor
6 Post or Anchor Fence?

7 A. Yeah.

8 Q. Were they ever a customer of yours?

9 A. I think so.

10 Q. Were they a customer of yours in the
11 1960s?

12 A. I don't know.

13 Q. Do you recall anything about their
14 wastes?

15 A. No, I don't.

16 Q. Do you recall any individual at Anchor
17 Post that you ever spoke to?

18 A. (Shakes head in the negative.)

19 Q. Do you know if Anchor Post was ever a
20 customer of Bohager's?

21 A. No, I don't.

1 Q. Do you know if they were ever a
2 customer of Modern's?

3 A. No.

4 Q. Do you know a company known as O'Brien
5 Paint?

6 A. Yeah.

7 Q. Was O'Brien Paint ever a customer of
8 yours?

9 A. I think so. I won't say for sure.

10 Q. Can you recall if they were a customer
11 of yours in the 1960s?

12 A. I can't say positively they were a
13 customer. I have a feeling that they were. A
14 very few of those companies weren't customers at
15 one time or another.

16 Q. Do you recall anything about what type
17 of wastes your company picked up from O'Brien?

18 A. No.

19 Q. Do you recall the names of any
20 individuals at O'Brien that you dealt with?

21 A. No, I can't even say right now where

1 the plant is.

2 Q. Do you recall a company called Pori or
3 Palm Oil Recovery?

4 A. Yes.

5 Q. Were they ever --

6 A. Pulaski Highway.

7 Q. I'm sorry.

8 A. Is it on Pulaski Highway?

9 Q. Well, let me ask you where the plant is
10 that you recall.

11 A. I think it was on Pulaski Highway or
12 Monument Street along that area.

13 Q. Was Pori a customer of yours?

14 A. Who?

15 Q. What did you call it? Did you call it
16 Palm Oil Recovery?

17 A. Palm oil I thought was Pompeii Oil.
18 Pompeii Oil. Maybe it's a different company.

19 Q. I'm referring to a company that had a
20 location at Sparrows Point.

21 A. No, I don't place that right offhand.

1 No, this was palm oil, bottled oil up there on --

2 Q. I'm thinking of a different company.

3 A. Yes, that's a different company.

4 Q. That went by the name of Palm Oil
5 Recovery.

6 A. I don't remember it.

7 Q. This morning someone asked you a
8 question about American Recovery and I believe
9 you mentioned that they might bring in stuff, I
10 believe is what you said, to your landfill.

11 A. If it's the company that I'm thinking
12 of it's American, they had drums or something
13 like that.

14 Q. Would you be thinking of American
15 Cooperage?

16 A. That's what I was thinking of, yeah.
17 Is that the same thing?

18 Q. I believe they're two different
19 companies.

20 A. American Cooperage is really what I
21 think I have in mind.

1 Q. What do you recall about American
2 Cooperage?

3 A. We sold drums to them.

4 Q. You sold drums to them?

5 A. I think also we hauled stuff out of
6 there. I'm not sure.

7 Q. Do you recall anything about, do you
8 recall what type of waste you hauled from
9 American Cooperage?

10 A. I don't remember what kind of container
11 we had in there. I know American Cooperage was
12 our customer that we hauled drums in to when they
13 were acceptable. You had to be able to use,
14 reusable drums.

15 Q. So you would haul drums from your
16 landfill to American Cooperage?

17 A. That's right.

18 Q. Did those drums ever have residues in
19 them?

20 A. Not when they took them.

21 Q. Not when they took them?

1 A. No, not supposed to.

2 Q. You said they weren't supposed to. Did
3 they ever have small amounts of residue in them?

4 A. They might have something to clean
5 out. I don't know. We always drained them, the
6 ones we could drain and they would take drums.

7 Q. What would they do with the drums?

8 A. They would reuse them. They had a way
9 of putting a lid on them, a top.

10 Q. Would they first clean out the drums?

11 A. I guess. That was their business I
12 think.

13 Q. Do you know if any of the materials
14 they cleaned out of those drums went in the trash
15 that you hauled back to your landfill?

16 A. Well, I don't think it makes much
17 difference as far as I can see, because if it
18 wasn't hauled back from there, it was put on the
19 landfill before they got the drum.

20 Q. So do you recall a separate company
21 known as American Recovery?

1 A. That doesn't ring a bell.

2 MR. GRUMMER: Thank you. That's all I
3 have right now.

4 MS. CASANO: Do you want to continue,
5 Mr. Tyler, for a while or do you want to take a
6 lunch break?

7 THE WITNESS: It's up to you all.

8 MR. LUTZ: You're the guest

9 THE WITNESS: I'm the guest. I had a
10 big breakfast you want to go a little longer?

11 MR. LUTZ: That's all right with me.

12 MR. LUTZ: Well, there are probably
13 hungry folks around here but --

14 THE WITNESS: Let them speak up.

15 EXAMINATION BY MR. GUTTER:

16 Q. Hi Mr. Tyler, my name is Sam Gutter. I
17 probably have all about three or four minutes of
18 questions and then I will take my seat back in
19 the corner. This morning --

20 MR. LUTZ: Will you explain who you
21 represent?

1 Q. I'm sorry. I represent AT&T, formerly
2 known as Western Electric Company.

3 Earlier this morning you spent some
4 time talking about a company named Crown Cork &
5 Seal. Do you recall that?

6 A. Very well. Yeah, I know of Crown Cork
7 & Seal.

8 Q. Were they a big customer of Robb
9 Tyler's?

10 A. At one time they were my payroll
11 account.

12 Q. Through what period of time, was that
13 right up until you got out of the business in
14 '72?

15 A. That's right. Almost from the time I
16 went in to it.

17 Q. So that would have been almost from
18 when, 1960s or '50s?

19 A. Yeah. Back in the '40s maybe, '50s.

20 Q. All the way through continuously.

21 Do you know where that Crown Cork &

1 Seal facility was located?

2 A. I sure do.

3 Q. Where was that?

4 A. Down in Highlandtown.

5 Q. I'm not quite sure -- I'm not a
6 Baltimore native, you may have to help me a
7 little bit.

8 A. It covered an enormous area, many
9 blocks in the Highlandtown area from Eastern
10 Avenue south.

11 Q. Was that in southeast Baltimore?

12 A. That's right.

13 Q. You made mention, in response to one
14 question this morning, about something called
15 dust from Crown Cork & Seal. What were you
16 referring to?

17 A. Well, Crown Cork & Seal's process was
18 putting bottle tops, had a caulked seal in them.
19 They would take the cork that was sent over from
20 Portugal here brought in by ships that went
21 through a grinding process to get the corks for

1 those tops, and the residue, that was a very fine
2 dust.

3 Q. So that was one of the things that you
4 hailed from Crown Cork & Seal?

5 A. That's right.

6 Q. You also mentioned some paper that
7 would catch fire?

8 A. Yes, that was a small amount. After we
9 found out what it was, they segregated it and
10 ended our problem. They didn't really realize
11 when it would contact with water and air it would
12 go off.

13 Q. Do you know what it was about that --

14 A. I have no idea. Some kind of a glue I
15 guess.

16 Q. They segregated it so you could handle
17 it specially?

18 A. That's right.

19 Q. But did you continue to haul that paper
20 for them?

21 A. Yes, we did.

1 Q. And did you also haul bottle caps from
2 them?

3 A. I imagine we might have had some bottle
4 tops, but that's what they sold.

5 Q. You don't know if there were any
6 rejects?

7 A. Yeah, it could have been.

8 Q. Can you think of anything else, any
9 other materials that you might have hauled from
10 Crown Cork & Seal?

11 A. Many other things. We had crews in
12 there worked -- maybe at one time had as high as
13 seven men working in their plant.

14 Q. Help me out a little on that. When you
15 say seven men working in their plants, do you
16 mean seven trucks going in and out --

17 A. No. They were going in and unloading
18 these trucks before the days of the containers.

19 Q. What would they be loading, flatbed
20 trucks?

21 A. Yes, that's what we hauled. Everything

1 was in a big flatbed truck or open trucks.

2 Q. And at some point you started placing
3 containers in there?

4 A. That's right.

5 Q. At the time you had containers in there
6 can you give me any guess on an average business
7 day how many runs your guys would make to Crown
8 Cork?

9 A. Oh, I have no idea. Maybe ten.

10 Q. Were they your biggest customer?

11 A. They were the biggest customer.

12 Q. Now, if you said that they were your
13 biggest customer throughout the time period that
14 included the '60s until you left in 1970 would
15 that then include the time period in which Robb
16 Tyler was using Sauer's landfill?

17 A. Perfectly possible, because it would be
18 a logical area to go to.

19 Q. So then you think it would have been
20 logical for your truck drivers to bring Crown
21 Cork & Seal's waste to Sauer's landfill during

1 that two or three-month period?

2 A. Yes, but Crown Cork's waste had
3 changed. By that time, I think by that time, the
4 dust came out in a mulch, in a wet --

5 Q. You were still then hauling that cork
6 dust, but it was wet instead of dry?

7 A. That's right.

8 Q. Were you still hauling that flammable
9 paper?

10 A. Possibly. I imagine. Because it would
11 be a right close haul for Crown Cork to Sauer.

12 Q. Do you know if you handled any drums
13 from Crown Cork?

14 A. Imagine.

15 Q. Do you know if you would have handled
16 any drums or glues?

17 A. Possible. I don't know.

18 Q. Can you remember anything else that you
19 might have hauled from Crown Cork & Seal that we
20 haven't covered --

21 A. Trash.

1 Q. Trash. Sure.

2 Do you recall that -- did I understand
3 your testimony to be that that flammable paper
4 sometimes caused fires on the landfill?

5 A. That's right.

6 Q. Do you know if it ever caused a fire at
7 Sauer's landfill?

8 A. I doubt it. By that time I imagine it
9 was segregated.

10 Q. So if you hauled it at that time you
11 would have handled it carefully?

12 A. I'm sure.

13 Q. Are you familiar with a company called
14 Maryland Cup?

15 A. Very much so.

16 Q. Where were they located?

17 A. At that time I think they were in
18 southwest Baltimore, but I'm not sure. They're
19 now out on Reisterstown Road I think. Is that
20 the same as Sweetheart?

21 Q. Yes, it is.

1 A. Yeah. Yeah. They were a big customer
2 of ours.

3 Q. A big customer of yours throughout the
4 time that --

5 A. I don't know when we got them or
6 whether we've lost them. I have no idea of the
7 time period that you're trying to discuss here.

8 Q. I understand. Do you remember what
9 types of -- did you place containers at Maryland
10 Cup?

11 A. Yeah.

12 Q. Do you remember what kinds of
13 containers?

14 A. I think by that time we were into those
15 big roll offs, but I'm not sure.

16 Q. Compactors or just --

17 A. No, I think -- it's possible that we
18 used compactors, but I don't know what we used.
19 I just know the name. I know it was a nice
20 account.

21 Q. Did you say it was a big customer of

1 yours?

2 A. It was a nice one. It wasn't the
3 biggest one, but it was a sizable account.

4 Q. We established who the biggest one
5 was.

6 How often would you make pickups at
7 Maryland Cup?

8 A. It's possible it was a daily pickup, I
9 don't know. It might have been on a call-in,
10 depending on what kind of a container they had.

11 Q. Do you have any idea what types of
12 materials were picked up there?

13 A. No.

14 Q. Do you have any idea if the materials
15 would include drummed waste?

16 A. I really don't know.

17 Q. Do you have any idea whether it would
18 have included liquids at all?

19 A. I don't know.

20 Q. Do you know anything about whether it
21 would have included any type of inks?

1 A. I imagine so, I don't know.

2 Q. And do you have any idea where the
3 materials from Maryland Cup that you picked up
4 would have been taken?

5 A. I'm not sure at that time, but I
6 imagine it would go down southwest Baltimore.

7 Q. During the period when you were using
8 Sauer's landfill --

9 A. I don't think it would have come
10 there. Not from what I remember. I think the
11 plant was down in southwest Baltimore. They
12 would have never come out to Sauer.

13 Q. If the plant was in Reisterstown Road
14 do you know where -- if that was the one that was
15 opened at the time you were using Sauer's
16 landfill do you know where that waste would have
17 gone?

18 A. It would have gone down, I imagine down
19 in south Baltimore.

20 Q. When you say south Baltimore what do
21 you mean?

1 A. Quarantine Road. It could have come
2 over to Norris Farm then. Because I can't tell
3 you the date that we got Norris Farm right now.
4 And you you mentioned Norris Farms was in the
5 '70s. I can't remember when we got it.

6 Q. Why would it have come all the way over
7 to Norris Farms?

8 A. We didn't have a fill in west
9 Baltimore.

10 Q. Would you of your own personal
11 knowledge though, know where stuff from Maryland
12 Cup ended up?

13 A. No, I couldn't tell you.

14 MR. GUTTER: I have no further
15 questions. Thank you very much.

16 THE WITNESS: Your welcome.

17 MR. GUTTER: I'm sorry, I did recall
18 one other question.

19 Do you remember the name of any contact
20 person at Crown Cork & Seal with whom you dealt?

21 A. One of them I dealt with is gone I

1 know. I can't think of his name right now. My
2 main one on the contract was Mr. Fusting, but he
3 died. I know that. I don't remember the other
4 one.

5 MR. GUTTER: Thank you.

6 EXAMINATION BY MR. BYRD:

7 Q. Mr. Tyler, my name is Ron Byrd. I'm
8 with Baltimore Gas and Electric Company. I just
9 have a few questions for you concerning a few
10 other companies.

11 Do you recall a company called Lord
12 Baltimore Press?

13 A. I do.

14 Q. Do you recall where they were located?

15 A. No, I'm not quite sure.

16 Q. Do you recall if they had a facility on
17 Edison Highway?

18 A. On Edison?

19 Q. Uh-huh.

20 A. I guess. I'm not sure though.

21 Q. Do you recall whether or not they were

1 Robb Tyler's customer?

2 A. I'm sure they were at one time.

3 Q. You don't recall --

4 A. Not right now.

5 Q. -- exact times?

6 Do you recall whether or not they were
7 a consistent Robb Tyler customer?

8 A. I think we had them for quite a while.
9 I'm not so sure, but I know the name is
10 familiar.

11 Q. Did you ever visit the facility on
12 Edison Highway?

13 A. I don't think so.

14 Q. Are you aware of what kind of container
15 they had on the premises there?

16 A. No, I'm not.

17 Q. Are you aware of what type of wastes
18 were generated at that plant?

19 A. No.

20 Q. Are you aware of whether or not they
21 had liquids in their wastes?

1 A. I really don't know the account well
2 enough. I just know the name and seen it on the
3 book I'm sure. That would have all come under
4 Mr. Mulberry's department.

5 Q. Do you recall a Glidden Paint or
6 Glidden-Durkee facility?

7 A. Glidden?

8 Q. Yes.

9 A. Yes.

10 Q. Where were they located?

11 A. I think they were there -- not
12 Rosedale, but getting near Edison Highway. Up
13 there. I can't think of the name of the town
14 what they called it. Off of Pulaski Highway.

15 Q. Do you know if they had a facility off
16 of Hawkins Point Road?

17 A. I think I got Glidden mixed up with
18 another paint company. Wherever it was I don't
19 know. I remember having it.

20 Q. You remember having Glidden as a
21 customer?

1 A. Yes.

2 Q. Were they a consistent customer
3 throughout the time --

4 A. I wouldn't know.

5 Q. -- Robb Tyler was operating?

6 A. They came and went. As I said, a lot
7 of these would go by pricing. When you're
8 undercut, you lost them.

9 Q. What kind of wastes did Glidden Paint
10 have?

11 A. I can't tell you.

12 Q. Do you know whether they had residual
13 paints as wastes?

14 A. I think they had a big container, I'm
15 not sure.

16 Q. Do you know whether they had paints as
17 waste?

18 A. I imagine it would be in it.

19 Q. Do you recall ever visiting their
20 facilities?

21 A. I don't think so.

1 Q. Do you recall if they had a facility on
2 Eastern Avenue, possibly near City Hospital?

3 A. I believe there was one over there.
4 I'm not sure though. On the south side of
5 Eastern Avenue?

6 Q. Yeah.

7 A. I think it was. I think that's the one
8 I remember.

9 Q. Do you recall ever visiting that
10 plant?

11 A. I think I did.

12 Q. Do you recall what type of waste they
13 had at that plant?

14 A. No, but I think they were at one time
15 dumping some of their waste on their property.

16 Q. Dumping some of their waste on their
17 property?

18 A. Yeah, behind the buildings.

19 Q. Was that in addition to using you as
20 the hauler?

21 A. Yes. I'm not sure if that's the one,

1 but I think it is.

2 Q. Do you recall if that same plant ever
3 became SCM Chemicals?

4 A. That doesn't ring a bell.

5 Q. How about Pemco?

6 A. Yeah. I remember Pemco.

7 Q. Do you recall whether that was the same
8 facility that we were talking about?

9 A. I don't know. I think we had that as a
10 customer.

11 Q. Do you recall how large an account that
12 was?

13 A. No, I don't. Glidden is down Hawkins
14 Point now. You're right.

15 Q. Do you recall whether it was at Hawkins
16 Point when they were a customer of yours?

17 A. Yes, we had them when they were there.

18 Q. You had them at Hawkins Point?

19 A. Yes.

20 MR. JOSEPH: Ron, could you ask him to
21 discuss about, when he says, them, who does he

1 mean by them.

2 A. What is that?

3 Q. When you said Hawkins Point who was at
4 Hawkins Point?

5 A. I don't remember who the man was right
6 now.

7 Q. No, but what customer was at Hawkins
8 Point?

9 A. Glidden. I think that's where he is.

10 Q. Do you recall ever visiting that
11 plant?

12 A. I might have if that's the one I'm
13 thinking about. I may have it mixed up with
14 another one.

15 Q. You mentioned earlier that you thought
16 you had it mixed up with another paint company.
17 Do you recall what paint company you were
18 thinking?

19 A. I think Glidden is a big one down there
20 at Hawkins Point. Isn't that their big plant?

21 Q. I don't know how big it is. Were they

1 a big customer of yours?

2 A. I think we had a big business with
3 them. I think we did a lot of business with
4 them, yeah.

5 Q. Can you think of any other paint
6 companies that you dealt with?

7 A. You name it, it might be there. I
8 can't remember.

9 Q. Do you recall whether you had as a
10 customer the Canton Railroad Company?

11 A. I think so. I'm not sure.

12 Q. Do you recall whether or not you had
13 business with Canton Railroad Company in a
14 facility down by the harbor off of Newkirk
15 Street?

16 A. I would think so. I think that's right
17 far back as far as I know. I don't remember.

18 Q. Do you recall ever getting any railroad
19 ties in waste?

20 A. Railroad ties?

21 Q. Uh-huh. Old cracked railroad ties or

1 broken railroad ties?

2 A. It's possible. I don't remember.

3 Q. You mentioned earlier about American
4 Cooperage Company. Did you know an individual by
5 the name of Jack or Sam Layton?

6 A. I think so.

7 Q. Did you have any contractual or
8 business relationship with them that you could
9 explain in more detail other than the fact that
10 they bought drums from you?

11 A. No, but I remember the name Layton.

12 Q. Did you ever visit their plant, their
13 reconditioning plant?

14 A. If it's the one I'm thinking of, it's
15 over near Pulaski Highway, over in that area, but
16 I'm not sure if that's the one.

17 Q. Are you familiar with a section of town
18 called Orangeville?

19 A. When you're talking about paint that's
20 what I was thinking of. Orangeville is up there
21 by Pemco, the steel company. Isn't that

1 Orangeville?

2 Q. Okay.

3 A. Up there.

4 Q. So you're saying that you think the
5 Pemco plant was in Orangeville?

6 A. No, but I was trying to place a paint
7 company. I thought it was in Orangeville up in
8 that area.

9 Q. You don't recall the name of the paint
10 company that you're thinking of?

11 A. What?

12 Q. You don't recall the name of the paint
13 company?

14 A. No.

15 Q. Getting back to my question. Do you
16 recall visiting the American Cooperage plant?

17 A. I think I've been in that plant.

18 Q. Do you recall what type of waste
19 container they had there?

20 A. Most likely it was just drums. We had
21 those kind, too.

1 Q. When you say you had those kind --

2 A. Open truck would come in and they would
3 load them up and put their trash right in the
4 drums.

5 Q. Would you say a Robb Tyler truck would
6 come in there?

7 A. Right.

8 Q. And whatever waste they had would be
9 put back in drums?

10 A. I think so. They may have brought it
11 out themselves too.

12 Q. And those drums would be disposed of?

13 A. Yeah.

14 Q. Do you recall what landfills those
15 drums went to?

16 A. Most of them that I remember were in --
17 I think you all called it Rosedale, in that
18 area.

19 Q. Do you recall whether American
20 Cooperage was a customer of yours during the time
21 Rosedale closed?

1 A. I don't know.

2 Q. If in fact American Cooperage had been
3 a customer of yours when you were using Sauer, is
4 it most likely that the drums would have gone to
5 Sauer?

6 A. I don't know. I know we took drums to
7 American Cooperage to sell them. I don't
8 remember what we did as far as taking their
9 trash.

10 Q. But you think their trash was hauled
11 away in drums?

12 A. It could have been containers in there,
13 I don't know.

14 Q. Do you recall whether those drums had
15 liquids in them?

16 A. I don't remember. I imagine.

17 MR. BYRD: That's all I have for now.
18 Thank you.

19 MR. LUTZ: Take a lunch break. Back at
20 2:00.

21 MS. CASANO: That's fine.

1 (Brief recess.)

2 MR. LUTZ: Before we start, I would
3 just like to ask if we could try to finish up
4 today by 5:00. Mr. Tyler seems to be doing all
5 right. And we would prefer not to have to come
6 back tomorrow. I think everybody else probably
7 would, too, particularly those that have flown in
8 from out of town. I have a meeting in Laurel at
9 6:00. I've got to leave at 5:00. Thank you.

10 EXAMINATION BY MR. RYAN:

11 Q. Mr. Tyler, my name is Tom Ryan. I'm
12 here for BFI. Earlier this morning there was
13 some talk about some other landfills that Robb
14 Tyler either owned or operated. Do you remember
15 a landfill called, probably various names, but
16 I've heard it referred to as Reedbird?

17 A. Reedbird, yeah.

18 Q. On Patapsco Avenue?

19 A. That's right. I used it. I had it for
20 quite a while.

21 Q. And that was on the west side of

1 Baltimore?

2 A. Yeah.

3 Q. Do you know whether that would have
4 been opened during this period of time that we
5 are talking about when you used Sauer's
6 landfill?

7 A. I don't think so, but I won't say for
8 sure. I can't remember just when we had it, but
9 we had it before The Flats.

10 Q. Before the Quarantine Road landfill?

11 A. Before the Quarantine Road, so I would
12 say it goes back, I would say back in the '50s.
13 I guess it's called Reedbird. It was on the
14 south side of the Patapsco River or the north
15 side. One was The Flats and I considered it
16 Reedbird, but Reedbird Avenue isn't down there,
17 so I'm not sure if I got the right one in mind or
18 not.

19 Q. Was there a landfill that Robb Tyler
20 used on the west side of Baltimore that was
21 opened during the time that Robb Tyler drivers

1 may have used Sauer's dump for a couple of
2 months?

3 A. We operated the one over where Maryland
4 Glass is, that part of the base is down there,
5 but I don't know what years they were whether it
6 was opened at that time or not.

7 Q. I want to ask you about a few other
8 parties that we haven't heard mentioned yet
9 today. Are you familiar with a company called
10 Farboil?

11 A. Yes, that's what I was getting mixed up
12 with when we were talking about Glidden. Farboil
13 was the other one.

14 Q. And that was a customer of Robb
15 Tyler's?

16 A. It was at one time, yeah.

17 Q. Do you know when?

18 A. No.

19 Q. Do you know what kind of waste Farboil
20 generated?

21 A. No. Most waste looks the same to me.

1 I wouldn't be able to tell you.

2 Q. Had you yourself ever gone over to
3 Farboil?

4 A. I may have. I don't remember.

5 Q. Do you remember who the contact person
6 would have been at Farboil?

7 A. No.

8 Q. Was Farboil, as far as you can
9 remember, a customer of yours throughout the time
10 you were running Robb Tyler?

11 A. I wouldn't say the full time because
12 some of them went and came back.

13 Q. How about a company called Bruning
14 Paint?

15 A. Yes, that's another one.

16 Q. Was that a customer of Robb Tyler?

17 A. I don't know any more about the dates
18 of it. I'm sure they were a customer at one
19 time.

20 Q. Do you know where Bruning Paint was
21 located?

1 A. I can't think right now.

2 Q. Do you know what kind of waste Bruning
3 Paint generated?

4 A. Paint company waste.

5 Q. Good answer.

6 Were you yourself ever over at Bruning
7 Paint, as far as you can remember?

8 A. I may have, but I don't remember any
9 specific time.

10 Q. Do you remember any particular person
11 at Bruning Paint you would have dealt with?

12 A. No.

13 Q. Do you know whether Robb Tyler ever did
14 any hauling for the City of Baltimore?

15 A. Any what?

16 Q. Any hauling, any trash disposal or any
17 other kind of hauling for the City of Baltimore?

18 A. For the City of Baltimore?

19 Q. Right.

20 A. I don't think it was called Robb Tyler
21 company then, but I used to have an ash contract

1 with the City back in the '40s. That's how I got
2 started in the trash business.

3 Q. How long did your ash contracts, as you
4 called them, last?

5 A. They were just year to year. You had
6 to bid them each year.

7 Q. Did you continue with those in the
8 '50s?

9 A. I don't know how long they went, but as
10 long as they had them out, I think we bid for
11 quite a few years.

12 Q. Do you know whether you happened to bid
13 for them even into the '60s?

14 A. I don't think ash was being picked up
15 at that time.

16 MR. MASUR: Didn't hear that answer.

17 A. I don't think the ashes contracted out
18 up to the '60s. I'm not sure.

19 Q. Do you know what happened to those ash
20 contracts if you stopped bidding for them in the
21 '60s?

1 A. Oil took over. People who had the coal
2 furnaces changed over to oil and cut out the need
3 for the ashes to be picked up and I think they
4 kind of went along with the trash.

5 Q. Other than the ash contracts you talked
6 about in the '40s, do you know if Robb Tyler did
7 any other type of hauling for the City of
8 Baltimore?

9 A. I had two load packers that hauled for
10 them for maybe a year, trash, maybe two years, I
11 don't know. That was back in the late '40s.

12 Q. Where were those load packers located?

13 A. In Baltimore City. You mean where my
14 office was?

15 Q. No. Where were the particular -- were
16 the load packers owned by you?

17 A. Yes.

18 Q. Do you know where they picked up waste
19 from?

20 A. No, might be a different route each
21 time we were sent out.

1 Q. Did that expire in the late '40s?

2 A. They were only for a period of time,
3 yeah.

4 Q. From the '60s on --

5 A. No.

6 Q. -- did Robb Tyler have any contracts
7 with the City?

8 A. No, I don't think so.

9 Q. Do you remember whether Robb Tyler ever
10 hauled any material from the Housing Authority?

11 A. I don't know. We had them in the
12 counties.

13 Q. You did pick up some Housing
14 Authorities in the county, but you're not sure
15 about the City?

16 A. I don't think the City's. I think the
17 City's went to their containers, but I'm not
18 sure.

19 Q. Do you know whether Robb Tyler --

20 A. You mean City-owned Housing Authority?

21 Q. Yes.

1 A. No, I don't think so.

2 Q. Do you know whether Robb Tyler ever
3 hailed out of any of the city hospitals?

4 A. I imagine so. I don't know. I'm not
5 sure of any of them. I know we had some
6 hospitals, but I don't know if the City owned
7 them. City Hospital or --

8 Q. Yes, City Hospital eventually became
9 Francis Scott Key Hospital.

10 A. Yeah. I'm not sure.

11 Q. You said you had several hospitals you
12 did haul for. What kind of waste would you pick
13 up at those hospitals?

14 A. What they didn't put through their own
15 incinerators.

16 Q. Do you know what that would have been?

17 A. That would have been mostly trash.

18 Q. Do you know whether you were hauling
19 for any hospitals during the time when Robb
20 Tyler's trucks used Sauer's landfill?

21 A. I think we had -- I know we had some,

1 like Hopkins, for a good many years. And I
2 wouldn't be sure that would have gone to Sauer at
3 that time or gone south into the other side of
4 town.

5 Q. Do you know whether the City -- what
6 happened to the ash generated by the City's
7 incinerators?

8 A. No.

9 Q. Pardon?

10 A. I don't have any idea.

11 Q. As far as you know, Robb Tyler didn't
12 haul it?

13 A. Not that I know of.

14 Q. I've asked you about whether Robb Tyler
15 hailed for the City. Do you know whether the
16 City ever hauled their own material in to Robb
17 Tyler's landfills?

18 A. City sludge was put on our landfill at
19 one time, that's all I can remember.

20 Q. Which landfill was that?

21 A. Norris Farm. I don't know if I had

1 Norris Farm in '69 or not.

2 Q. Do you know if City sludge went to any
3 other landfill other than Norris Farms?

4 A. I guess it did.

5 Q. You just don't know?

6 A. Yes, they used to have it where the
7 farmers used to come and get it.

8 Q. They would come and pick up the sludge
9 from Norris Farms?

10 A. No. From the City sewage disposal
11 plant.

12 Q. What would they use it for?

13 A. Put on their gardens.

14 Q. That was during the same time that some
15 of it was being dumped at Norris Farms?

16 A. It could have been.

17 Q. Were the City's own drivers bringing
18 that in?

19 A. Yes. We were right next to it.

20 Q. Do you know whether the City's drivers
21 ever hauled City sludge into what we've called

1 the Rosedale landfill?

2 A. No, they never did.

3 Q. Do you know where the sludge came from
4 that the city had?

5 A. From the sewage disposal plant.

6 Q. When you finally got out of the
7 business, at that point, was the City still
8 bringing sludge to Norris Farms?

9 A. I'm not sure.

10 MR. RYAN: I think that's all I have.
11 Thank you very much, Mr. Tyler.

12 EXAMINATION BY MR. SCHALLER:

13 Q. Mr. Tyler, my name is Charles Schaller,
14 and I represent Edward Azrael in this matter.
15 Today you've testified that it's your
16 recollection, generally, that waste from Robb
17 Tyler customers generated on the southeast side
18 of Baltimore would have logically gone to
19 Rosedale landfill; is that correct?

20 A. That's right.

21 Q. And that --

1 MS. CASANO: What was that answer to
2 that?

3 MR. SCHALLER: That's right.

4 Q. And there became a time when the
5 Rosedale landfill closed down; is that correct?

6 A. I can't remember when it was. I can't
7 remember for the life of me when it was, what
8 time we closed down. It must have been at the
9 time when we were over Sauer's landfill that's
10 all I can think of.

11 Q. During that time you were hauling to
12 Rosedale in the 1960s, do you recall a
13 customer -- let me rephrase that. Are you
14 familiar with the name Armco Steel Corporation?

15 A. Yeah.

16 Q. And how are you familiar with them?

17 A. I think we had a container in their
18 place. Armco -- are they on Biddle Street?

19 Q. Correct?

20 A. Yeah.

21 Q. Did you place that container or was

1 that their own container?

2 A. I think it was ours. I don't remember
3 ever hauling anybody else's container.

4 Q. Would that have been a regular stop for
5 your trucks?

6 A. I imagine it would have been a call-in
7 stop on that type of container. Although it
8 could have been a regular stop or another type
9 container.

10 Q. Do you recall the type of container?

11 A. No, I don't remember because if it was
12 a dumpster they were call-in, and if it was a
13 Dumpmaster where they dumped overhead that would
14 be on a regular basis.

15 Q. And you don't recall that type of
16 container?

17 A. I don't remember what they had there.
18 I know we had the account for a while.

19 Q. Do you recall if you had that account
20 during the 1960s?

21 A. I couldn't tell you.

1 Q. Have you ever visited that plant?

2 A. I've been there, yes.

3 Q. Do you know the type of waste that you
4 would have hauled?

5 A. No. I really couldn't. Steel plant, a
6 lot of trash comes out of them.

7 Q. Do you know the type of trash that
8 might have been --

9 A. No, I wouldn't be able to say that.

10 Q. Do you recall any drums being removed
11 from Armco in your trucks?

12 A. If we took them, if they had drums to
13 go in the trash, they would go, but I wouldn't be
14 able to say whether we took special drums of
15 anything or not.

16 Q. So whatever was in that container at
17 Armco --

18 A. We put the container there, whatever
19 they put in it we took out.

20 Q. From knowing the location of the Armco
21 facility is it more than likely that that waste

1 would have gone to Sauer's from your drivers?

2 MR. LINGAN: Object to the form of the
3 question.

4 A. Should I answer?

5 Q. You can answer.

6 A. It's in the east section. It would be
7 plausible that we would have taken it to the
8 nearest place and that would have been the
9 nearest place.

10 Q. Being Sauer's landfill being the
11 nearest?

12 A. Yeah.

13 Q. Who was your contact person over at --

14 A. You don't know.

15 Q. I don't know, okay.

16 A. Most of these questions you asked me
17 Mulberry, he was handling that part.

18 Q. Francis Mulberry?

19 A. Yes.

20 Q. Are you familiar with an individual
21 Andrew Ragsdale?

1 A. Ragsdale, a driver?

2 Q. That's what I'm asking.

3 A. I had a man named Ragsdale that drove a
4 truck for us. I don't know when and where, but
5 the name sounds familiar.

6 Q. How about a Lawrence Jendras?

7 A. Yeah, I remember him. He was a white
8 boy.

9 Q. And he was a driver for you?

10 A. Yes.

11 Q. Would they have been drivers for you
12 during the 1960s?

13 A. Could have been. I don't know what
14 years they were there. He was there for a
15 while.

16 Q. Are you familiar with a company called
17 Container Corporation of America?

18 A. I think so. Where are they located?

19 Q. That's what I'm asking.

20 A. Well, I'm trying to place it. We had
21 container companies around town, there were two

1 or three of them. I'm not sure which one that
2 was. If I had the address, I could point it a
3 little clearer, but I'm not sure.

4 Q. Do you recall if they were a customer
5 of yours?

6 A. I think they were. They may not have
7 been. Might have been. Container Corporation of
8 America?

9 Q. Right.

10 A. Continental Can, I don't know which one
11 it is. I don't know which one it is to tell you
12 the truth. It sounds familiar.

13 Q. It sounds familiar so it's a
14 possibility that they could have been a customer
15 of yours?

16 A. Could have been a customer at one time
17 or another.

18 Q. Is it your testimony earlier that you
19 are not familiar with the man -- let me rephrase
20 that. You do not know Mr. Edward Azrael,
21 personally?

1 A. No. I've met him, but only with a
2 group or something.

3 MR. SCHALLER: That's all I have.
4 Thank you.

5 THE WITNESS: You're welcome.

6 MS. CASANO: That concludes the
7 original defendants so we are moving to the
8 third-party defendants.

9 EXAMINATION BY MR. MASUR:

10 Q. Good afternoon, Mr. Tyler, my name is
11 Dan Masur. I represent the City of Baltimore.

12 Mr. Tyler, do you have any knowledge of
13 the disposal of waste materials generated by the
14 City at what we've been calling Sauer dump?

15 A. The City?

16 Q. Do you have any knowledge that waste
17 materials generated by the City were disposed of
18 at the landfill that was operated by Fritz
19 Sauer?

20 A. I have no idea. I don't know what
21 trash generated by the City would represent.

1 A. I don't think I did. I can't place
2 any.

3 Q. Am I also correct that you don't recall
4 specifically having performed any work for a
5 City-owned Housing Authority?

6 A. I don't think I did.

7 Q. Do you have any specific recollection
8 of performing, hauling or disposal services for
9 City hospitals that being the City-owned hospital
10 which is now known as Francis Scott Key Medical
11 Center?

12 A. I don't remember that being one of our
13 customers.

14 Q. You referred to performing hauling
15 services for other hospitals. Do you recall ever
16 dealing with a gentleman named Mr. Frederick in
17 connection with your work for other hospitals?

18 A. There was a Mr. Frederick that worked
19 for the City.

20 Q. Do you recall a Mr. Frederick who
21 worked for a hospital not owned by the city?

1 A. No, I can't place it.

2 Q. You also testified in response to
3 questions from Mr. Ryan regarding City drivers
4 bringing City sludge to the Norris Farms'
5 landfill, do you recall that?

6 A. Yeah.

7 Q. And you testified that City sludge was
8 not brought to the Rosedale landfill?

9 A. No, it didn't go there.

10 Q. Am I correct then that the practice of
11 City drivers bringing sludge did not begin until
12 after the Norris Farms' landfill was opened?

13 A. No, we were in operation when we took
14 the sludge.

15 Q. Had you been in operation for some
16 period of time when you began to accept it?

17 A. I don't remember. I think we had been
18 there for a little bit. I don't remember when we
19 opened right now. I ought to remember it, but
20 it's a long case.

21 Q. But it would have been some period of

1 time after Norris Farms opened?

2 A. Before the sludge came in. A good bit
3 of time after we opened.

4 Q. I'm sorry?

5 A. A good bit of time after we opened.

6 Q. Are you able to put any estimate on
7 whether it would be months, years?

8 A. I would say it would be a few years, a
9 couple years.

10 Q. Prior to that point in time when you
11 began to accept sludge brought there by
12 City-owned drivers, had you had any involvement
13 or had Robb Tyler, Inc. had any prior involvement
14 with City-owned sludge?

15 A. Not to my knowledge.

16 MR. MASUR: I don't think I have any
17 more questions. Thank you.

18 THE WITNESS: Your welcome.

19 EXAMINATION BY MS. DOANE:

20 Q. Mr. Tyler, my name is Lee Doane and I'm
21 here today on behalf of Exxon Corporation.

1 Do you remember earlier you stated that
2 Standard Oil's property had a big flame.

3 A. A big what?

4 Q. Big flame. You called it a big flame.

5 A. Used to call it the Baltimore candle.

6 Q. The Baltimore candle.

7 Do you remember at the time you say you
8 picked up tank cleanings from Standard Oil was
9 the big flame burning?

10 A. I think so.

11 Q. And was Standard Oil operating as a
12 refinery at the time --

13 A. That's right.

14 Q. Let me finish my question. Was
15 Standard Oil operating as a refinery at the time
16 you say you picked up tank cleanings?

17 A. That's right.

18 MS. DOANE: Thank you very much.

19 EXAMINATION BY MR. JOSEPH:

20 Q. Mr. Tyler, my name is David Joseph and
21 I represent Crown Cork & Seal and HM Holdings.

1 Earlier you referred to Crown Cork &
2 Seal as a payroll account.

3 A. That's correct.

4 Q. What did you mean by that?

5 A. It was our largest account.

6 Q. Was it always your largest account?

7 A. Maybe not by the time I got out of it.

8 But for many years it was our prize account.

9 Q. When you say for many years, does that
10 refer to the '50s primarily?

11 A. '40s, '50s, '60s.

12 Q. Do you know how many facilities that
13 Crown Cork & Seal had in Baltimore?

14 A. I'm only familiar with the main plant
15 in Highlandtown that I'm thinking of. I know
16 they had a plant at one time on Guilford Avenue,
17 where their plant was before it moved over there,
18 but I don't think that was Crown Cork & Seal
19 then. It may have been offices.

20 Q. Do you know if the plant that you're
21 familiar with in Highlandtown, can you describe

1 the operations that went on at that plant?

2 A. No way.

3 Q. Do you know if it was their machinery
4 division?

5 A. Yes, it was a machinery division,
6 office buildings, warehousing.

7 Q. Now, as I understand your testimony
8 this morning at some point in time Crown Cork &
9 Seal got containers; is that correct?

10 A. We put containers in there.

11 Q. Do you remember when that was?

12 A. I don't, no. When we first got
13 containers, I think Crown Cork & Seal was a
14 testing ground for us. They got whatever
15 containers we got, they were the first one.

16 Q. Do you remember what type of containers
17 went into Crown Cork & Seal?

18 A. The first one would have been
19 dumpsters.

20 Q. And so if they were the first, can you
21 give me an estimate of what year it might have

1 been?

2 A. No, I can't think right now when I
3 started the dumpsters.

4 Q. Would it have been prior to 1960?

5 A. I believe so.

6 Q. Earlier you testified about small paper
7 that could catch on fire occasionally. Did you
8 ever actually see this paper?

9 A. (Shakes head in the affirmative.)

10 Q. Where did you see the paper?

11 A. Either there or when it was brought
12 out. When we finally designated what was causing
13 the fire.

14 Q. When did you first notice that this
15 paper was causing fires?

16 A. When we started separating it from it.
17 They worked with us on it, Crown did.

18 Q. Do you remember what year that was?

19 A. No.

20 Q. Was that prior to 1960?

21 A. I don't know. I couldn't tell you.

1 Q. Did this occur prior to the use of
2 containers?

3 A. It could have, but it wasn't designated
4 to it until after that time or right along in
5 there.

6 Q. You testified that when you discovered
7 that this paper was sometimes catching on fire
8 you began to segregate it?

9 A. That's right.

10 Q. What do you mean by that?

11 A. They segregated it out at the plant.

12 Q. Crown Cork & Seal did?

13 A. Yeah.

14 Q. How did they segregate it?

15 A. Put it in a separate location or
16 container or what, I can't remember.

17 Q. Do you remember how often this paper
18 had to be picked up?

19 A. No way, no. I don't have any idea.

20 Q. Well, you previously testified that it
21 was only a small amount.

1 A. It was only a small amount. The
2 problem was very small after we found out about
3 it. We never knew when it went in that it was
4 that.

5 Q. Do you remember what landfill the fires
6 occurred at?

7 A. Either Rosedale or Norris Farm.

8 Q. And were there other fires besides
9 these fires?

10 A. Oh, I'm sure.

11 Q. So these weren't the only fires that
12 occurred?

13 A. Oh, no.

14 Q. And once you found out this paper was
15 catching on fire, to your knowledge there were no
16 more fires caused by this paper?

17 A. Not by that cause that we know of.

18 Q. Now, you also testified that on average
19 there was as many as eight pickups a day at Crown
20 Cork & Seal?

21 A. I couldn't say how many because it grew

1 and we were able to cut it down by putting
2 containers in. Taking the men out, putting the
3 containers in.

4 Q. Do you remember any drivers that
5 normally serviced Crown Cork & Seal, the names of
6 any drivers?

7 A. I know of one, but he's not alive now.

8 Q. What was his name?

9 A. George Lambert.

10 Q. George Lambert?

11 A. Yeah.

12 Q. Do you know when he passed away?

13 A. I don't know.

14 Q. Was it recently?

15 A. Oh, 10 years ago maybe.

16 Q. Do you know what caused the paper to be
17 flammable?

18 A. (Shakes head in the negative.)

19 Q. Did anyone from Crown Cork & Seal ever
20 tell you what caused the paper to be flammable?

21 A. Nobody knew what went into it. We

1 found out what was causing it.

2 Q. I'm sorry.

3 A. We never had anymore working with it
4 after we found out what it was. They were then
5 able to separate it.

6 Q. So you have no direct knowledge --

7 A. No.

8 Q. -- as to what caused that paper to
9 ignite?

10 A. No. Something about water getting on
11 it or something like that.

12 Q. Did there ever come a time when Robb
13 Tyler stopped hauling this paper for Crown Cork &
14 Seal -- strike that. Let me be a little more
15 specific.

16 Did there ever come a time when Crown
17 Cork & Seal stopped producing this paper?

18 A. I don't know.

19 Q. You don't know?

20 A. No.

21 Q. Do you know if Crown Cork & Seal was

1 still producing this paper in 1969?

2 A. I don't have any idea. We were hauling
3 because we were hauling when I left.

4 Q. You were hauling Crown Cork & Seal?

5 A. Still hauling for Crown Cork & Seal.

6 Q. But you don't know if they were still
7 hauling that paper?

8 A. No. It was a small amount. It was two
9 or three waste baskets full. It wasn't a big
10 quantity, as far as I understand. Because they
11 were the ones that discovered what it was.

12 Q. And they remedied the problem once they
13 discovered it?

14 A. Yes, that's what I remember of it.

15 Q. You also stated this morning that you
16 considered it to be hazardous. But it's my
17 understanding that the reason you considered it
18 to be hazardous is because it caught on fire?

19 A. Yeah.

20 Q. No other reason that you considered it
21 hazardous?

1 A. No.

2 Q. Another type of waste that you
3 testified to was dust from Crown Cork & Seal.
4 Just to clarify for the record, as far as your
5 knowledge is concerned, that dust consisted
6 solely of the residue from cork?

7 A. That's correct.

8 Q. Nothing else?

9 A. No. Came out of the plant one place,
10 we picked it up.

11 Q. Now, you also testified that at some
12 point the cork residue became moist or caky?

13 A. Yes, put it through some kind of water
14 treatment to make a mulch out of it practically.
15 Easy to handle.

16 Q. You all continued to haul this mulch?

17 A. Yes.

18 Q. Was it placed in the containers?

19 A. Yeah, big containers.

20 MS. CASANO: Did Mr. Tyler say mulch?

21 MR. JOSEPH: Mulch.

1 A. I don't know if the word mulch is
2 right. It was wet. It had been wet down.

3 MR. JOSEPH: His description was mulch
4 though not emulsion.

5 Q. Earlier today you were also asked about
6 drums being transported from Crown Cork & Seal.
7 As I understand your testimony you do not have
8 any direct knowledge of drums being --

9 A. I imagine we took drums out, because it
10 was trash that was part of their residue, of what
11 they had to get rid of. Practically all big
12 plants had some drums to get rid of.

13 Q. Is your testimony based on direct
14 knowledge or you just assumed they were drums?

15 A. I would say I've seen drums come out.

16 Q. You'll say you've seen drums?

17 A. Yeah.

18 Q. Do you remember when you have seen
19 drums come out?

20 A. No idea.

21 Q. Do you remember if these drums were

1 empty?

2 A. I'm pretty sure most of them were.

3 Q. Most of them were empty?

4 A. Yeah.

5 Q. Do you know whether these drums were
6 hauled by Robb Tyler?

7 A. We had the account there. If it was in
8 our trash bins, they were hauled by us.

9 Q. If I were to tell you that Crown Cork &
10 Seal disposed of its drums in Alabama, would you
11 have any knowledge that would contradict that?

12 A. That wouldn't contradict what I said.
13 If it was a salvage for them, I imagine it,
14 because some things were shipped in containers
15 that were reusable to the company they brought
16 from and they went back to. That would happen
17 very often.

18 Q. Are you familiar with a company in
19 Sparrows Point called American Detinning
20 Company?

21 A. Detinning?

1 Q. Detinning.

2 A. I've heard the name.

3 Q. Do you know any specifics about it?

4 A. I can't think of anything right now.

5 Q. Do you know what their operations
6 concerned?

7 A. No.

8 Q. Are you familiar with the cafeteria at
9 Crown Cork & Seal?

10 A. I am.

11 MS. CASANO: Where the lunch is
12 hazardous.

13 (Laughter.)

14 Q. The lunches were not hazardous. I hope
15 not.

16 Was there a separate container at Crown
17 Cork & Seal for the cafeteria?

18 A. If it was -- I wouldn't know it if it
19 wasn't there for them. The containers were
20 placed where the trash came out.

21 Q. So they were sort of grouped together?

1 A. They would be grouped together, yeah.
2 When we picked them up, they would be grouped
3 together.

4 Q. Are you familiar with any other waste
5 haulers that serviced Crown Cork & Seal during
6 the 1960s?

7 A. Waste haulers?

8 Q. Yeah.

9 A. No.

10 Q. Do you have any knowledge that there
11 were not any other waste haulers servicing Crown
12 Cork & Seal?

13 A. Not to my knowledge. There were no
14 others.

15 Q. It's your testimony that Robb Tyler was
16 the only hauler for waste?

17 A. On waste hauling, as far as I can
18 remember.

19 Q. Are you familiar with Delaware
20 Container Company?

21 A. They make containers?

1 Q. No. They haul waste. They're out of
2 Coatesville, Pennsylvania. Are you familiar with
3 them?

4 A. No.

5 Q. Are you familiar with Matlock,
6 Incorporated?

7 A. I know the name, yeah.

8 Q. And what do you know about them?

9 A. I think they're a tank company, aren't
10 they?

11 Q. I'm just asking you what your knowledge
12 is.

13 A. I don't know.

14 Q. Are you familiar with United Iron &
15 Metal?

16 A. Yes.

17 Q. What does their business concern?

18 A. We sold to them.

19 Q. Oh, you did.

20 A. Hauled metal to them.

21 Q. One second and I will conclude.

1 You were asked earlier today about a
2 man named Mike Cefaloni who had the nickname
3 Ginny, do you remember that?

4 A. Yeah.

5 Q. Did the Ginny as you knew him by, did
6 he have a reputation in the hauling community?

7 A. Not that I know of.

8 Q. Would you disagree with an opinion
9 that's been previously --

10 MS. MARKS: Objection.

11 MS. CASANO: Objection.

12 Q. -- stated that Mr. Cefaloni was known
13 to tell -- stretch the truth and was known to
14 tell falsities?

15 MR. GRUMMER: Objection. I don't
16 believe there's been any prior testimony to that
17 specific effect.

18 Q. You can answer the question.

19 A. I've never heard anything, not to my
20 knowledge.

21 Q. Have you ever heard that he was a very

1 truthful person?

2 A. I never heard anything about him except
3 he seemed to be -- I can't remember what it is.
4 I can't remember anything about him. All I
5 remember is Ginny. His name.

6 MR. JOSEPH: Thank you. I have no
7 further questions.

8 EXAMINATION BY MR. GILLAN:

9 Q. Mr. Tyler, my name is John Gillan and I
10 represent Beatrice Company, who was the former
11 parent of the Farboil Company.

12 A. What company?

13 Q. Farboil.

14 A. Yeah, Farboil Paint Company?

15 Q. Right. I don't believe anyone has
16 asked you this today. What period of time were
17 you involved in the trash business?

18 A. What period of time?

19 Q. Do you remember when you began?

20 A. Started in the early '40s and I left it
21 in the '70s.

1 Q. And I believe that you testified before
2 that sometimes customers would come and then
3 leave for one reason or another and then maybe
4 come back later; is that correct?

5 A. I remember there were some.

6 Q. So is it correct to say that if a
7 customer, a company was a customer in, let's say
8 1960, and then again seemed to be a customer in
9 1970 that there might be -- it doesn't
10 necessarily mean that they were a customer for in
11 between there?

12 A. I can't specify any, but I know we had
13 some come back and we said welcome back.

14 Q. In regard to the Farboil specifically,
15 do you have any personal knowledge that their
16 waste that you were hauling was hauled to Sauer's
17 dump at any time?

18 A. I certainly don't.

19 Q. And just to follow up on that, do you
20 have any personal knowledge that it was hauled to
21 Sauer's dump during the window period, what we've

1 been referring to, the three or four months or
2 two or three months that you were in a jam?

3 A. I couldn't say.

4 Q. Before you mentioned the Harbor Tunnel
5 and you said that if the Harbor -- I believe you
6 stated that the Harbor Tunnel was opened that
7 might make a difference as to where the waste had
8 gone. Could you elaborate on that a little bit?

9 A. Well, we had customers right near the
10 entrance to the Harbor Tunnel going south and our
11 landfill was at the other end of the tunnel. It
12 would make it a very short haul.

13 Q. So if the tunnel were opened during the
14 period of time that you were in a scram and using
15 Sauer's dump to some extent it's possible that
16 certain customers in southeast Baltimore who were
17 close enough to the Harbor Tunnel entrance waste
18 would be hauled through the Harbor Tunnel to your
19 landfill on the other side?

20 A. Yes, definitely.

21 MR. GILLAN: That's all I have.

1 EXAMINATION BY MR. HAUSMAN:

2 Q. Hi, Mr. Tyler, my name is Mark Hausman
3 and I represent Kewanee Industries and they owned
4 Bruning Paint a while back.

5 Earlier this afternoon you mentioned
6 that Bruning Paint was a customer of Robb Tyler;
7 is that correct?

8 A. That's right.

9 Q. And you also indicated that you didn't
10 know what time period they were a customer?

11 A. No.

12 Q. Is that correct?

13 A. That's correct.

14 Q. I want to ask you how is it that you
15 are so sure Bruning was a customer of Robb Tyler,
16 Inc.?

17 A. It just sounded like a very familiar
18 name to me. In our records, somebody said do you
19 know Bruning Paint and I said yeah, we must have
20 hauled for them. I don't know what we had in
21 there. It's possible that we didn't, but I'm

1 pretty sure we did at one time or another.

2 Q. But you recognize the name and that's
3 why you're naming them as a Robb Tyler customer;
4 is that right?

5 A. That's right.

6 Q. Do you have any personal knowledge of
7 any Bruning Paint waste being taken to Sauer's
8 dump?

9 A. I can't place the plant right now in my
10 mind.

11 Q. So you don't know --

12 A. No.

13 Q. Where the plant is and you don't know
14 if their waste was ever taken to --

15 A. And I'm not sure if we were handling
16 Bruning Paint in that period.

17 Q. So for all you know if they were a
18 customer they could have been a customer in the
19 '40s, is that correct?

20 A. Could have been.

21 Q. Were you servicing customers in that

1 area in the '40s?

2 A. Wherever, any part of Baltimore if we
3 could get it.

4 Q. If I told you that Bohager & Sons had
5 Bruning Paint as a customer during a certain
6 period would you have been -- would Robb Tyler,
7 Inc. have been hauling for Bruning Paint at the
8 same time?

9 A. Not at the same time.

10 Q. Not at the same time?

11 A. No.

12 MR. HAUSMAN: Thank you. That's all I
13 have.

14 EXAMINATION BY MR. BRUGGE:

15 Q. Hi, Mr. Tyler, my name is Parker Brugge
16 and I represent the Canton Company of Baltimore.

17 Earlier you were asked whether you knew
18 Fred Sauer, Sr., and you testified that you did
19 not know him, but you knew his son, Fritz Sauer.
20 Do you recall what age Fritz Sauer was? Was he a
21 younger man than you?

1 A. I would say a little bit. He was a
2 bigger man, I will tell you that.

3 Q. Did Fritz Sauer ever talk to you about
4 his father?

5 A. I don't think so. I didn't know him
6 that well, but you know, once you know Fritz you
7 remember him.

8 Q. Did you ever recall a business called
9 Sauer Salvage or any type of operation, Sauer
10 salvaging operation?

11 A. I knew he was in salvaging. I didn't
12 know it was called Sauer.

13 Q. You knew Fritz Sauer was in salvaging?

14 A. Yeah.

15 Q. Do you know if Fritz Sauer's father was
16 in salvaging?

17 A. I don't know.

18 Q. Do you recall the period of time that
19 Fritz Sauer was in salvaging?

20 A. I thought he was always, somewhat. We
21 were in salvage, too. We salvaged stuff and

1 sold.

2 Q. When you say he was always in
3 salvaging, do you mean during the '60s or before
4 the '60s?

5 A. I always thought he was in the scrap
6 business and trash business. So I don't know
7 whether he was selling scrap or how he was
8 handling it. I didn't know anything about his
9 business except the landfill.

10 Q. So when you're talking about Fritz
11 Sauer's salvaging operation that would have
12 coincided in time with his landfill operation?

13 A. Same thing like we did on drums,
14 cardboard boxes, paper drums, anything that was
15 salable, it was always some scavengers on our
16 fill that we would allow on there to salvage
17 cardboard and stuff.

18 Q. Do you know if Sauer ever had a
19 salvaging operation separate from the landfill?

20 A. Not that I know of. I think they sold
21 some. I imagine they did.

1 Q. That was during the time that they were
2 operating the landfill?

3 A. Yeah.

4 Q. Do you know if they had a salvaging
5 operation before --

6 A. I don't know what you mean by a
7 salvaging operation. We have a salvaging
8 operation, and I would answer yes because we let
9 people come in there and salvage. How he handled
10 his, I don't know. I don't know what he did or
11 how he did it. He may have had a completely
12 different operation. I never got into his
13 operation.

14 Q. So you have no knowledge of any type of
15 salvaging operation, say, if a person sells scrap
16 metal that type of salvaging operation. Do you
17 know whether Mr. Sauer or anyone in his family
18 had a salvaging operation?

19 A. I don't know, no.

20 MR. BRUGGE: I have no further
21 questions. Thank you.

1 EXAMINATION BY MS. CASANO:

2 Q. Mr. Tyler, you indicated that you had
3 employees who were dedicated to Crown Cork &
4 Seal. Do you recall whether you had any
5 employees who were dedicated to other customers
6 at any time during the 1960s?

7 A. I don't recall the way you put that,
8 that I had people that were dedicated to Crown
9 Cork & Seal. I said we were because they were
10 our prize account.

11 Q. Right.

12 A. But as far as people working for me
13 were dedicated to them or anything like that, I
14 don't know what you mean. We changed men.

15 Q. Do you recall any customer during the
16 1960s to whom you had employees assigned
17 exclusively from the standpoint of those
18 employees worked with that customer and didn't
19 work with any other customer?

20 A. I think Crown Cork was the only one.

21 Q. Do you recall whether there was ever a

1 time when you had employees assigned to work
2 exclusively with Western Electric?

3 A. No. I don't remember that.

4 Q. During the 1960s, can you tell us what
5 share of the waste disposal market Robb Tyler,
6 Incorporated had?

7 MR. SCHALLER: All of Baltimore, Pat?

8 MS. CASANO: For Baltimore.

9 A. The only way I can answer that is they
10 closed me down once. And within a day and a half
11 they opened up again, because they couldn't
12 handle the trash.

13 Q. Is it fair to say that Robb Tyler,
14 Incorporated was the biggest waste hauler in
15 Baltimore during the 1960s?

16 A. I imagine we were.

17 Q. How close in size do you think your
18 nearest competitor came, if for example, you
19 operated two trucks on a typical day, how many
20 trucks do you think the next largest company
21 operated on a typical day?

1 A. I think Modern was the nearest one.

2 Q. Do you know how many trucks they
3 operated on a typical day?

4 A. I don't know how many we had, so I
5 don't know.

6 Q. Can you give us an idea how big Modern
7 was compared to Robb Tyler from the standpoint of
8 Modern was 50 percent as large as Robb Tyler?

9 A. I don't think they were that big.

10 Q. Where did Fritz Sauer fall in the
11 hierarchy, if you will, of waste haulers in
12 Baltimore during the 1960s?

13 MR. MASUR: In terms of size?

14 MS. CASANO: In terms of size.

15 A. I would say very small.

16 Q. You've indicated that Crown Cork & Seal
17 was your prize customer. Was Western Electric a
18 big customer for you?

19 A. I don't think so. The more you all
20 brought it out, the smaller it seems to be coming
21 in my memory.

1 Q. I'm sorry to hear that.

2 MR. GUTTER: Pat, keep asking the
3 questions.

4 MS. CASANO: I only need one
5 transaction and he is on the hook, so. Was
6 General Motors a big customer of yours during the
7 1960s?

8 A. That's right.

9 Q. Was Baltimore Gas and Electric a big
10 customer of yours during the 1960s?

11 A. I would think so, but I get them
12 confused with fly ash. I don't know what we had
13 other than that, but I know we had quite a lot.

14 Q. If or when there was a time when you
15 lost Western Electric as a customer, do you know
16 which company would have obtained Western
17 Electric as a customer?

18 A. I think we would have. I don't know
19 now, but whenever you lost a big account, you
20 generally knew who got it.

21 Q. Do you recall any other company who

1 hauled for Western Electric during the 1960s?

2 A. No, I don't know what they had.

3 Q. Do you recall any other company who
4 hauled for General Motors during the 1960s?

5 A. I think I said I didn't know.

6 Q. How about Baltimore Gas and Electric?

7 A. Well, we know that Parker hauled the
8 fly ash.

9 Q. That's correct.

10 A. That was one. So I don't know anybody
11 else.

12 Q. Directing your attention to Exhibit 1,
13 I think it's 1-D, Mr. Tyler, which is the copies
14 of the labels from your prescriptions. One of
15 the labels has an X drawn through it.

16 A. I don't take it anymore.

17 Q. You don't take it anymore.

18 A. No.

19 Q. Can you tell us when you were born,
20 Mr. Tyler?

21 A. December 1st, 1908.

1 Q. Happy belated birthday or belated happy
2 birthday.

3 During the time that you were using
4 Sauer's landfill, did he place any restrictions
5 on your use of his landfill?

6 A. Not to my knowledge.

7 Q. During the 19 --

8 A. It's possible that we made an agreement
9 ahead of what we would bring in and what we
10 wouldn't. I don't know. It might have been, but
11 I don't remember.

12 Q. Is there anything in particular that
13 causes you to think that there might have been
14 such an agreement?

15 A. The only thing that I can think is
16 there might be something he said don't bring that
17 in here, might have been the dust or something
18 like that.

19 Q. When you were at Sauer's landfill, do
20 you remember seeing any drums there?

21 A. I never remember being around the trash

1 where you didn't see some drums somewhere. There
2 were big piles.

3 Q. Are you familiar with electrical
4 transformers?

5 A. I think, a little bit.

6 Q. Do you recall ever seeing any
7 electrical transformers at Sauer's landfill?

8 A. No. I don't remember seeing any
9 electric transformers that I know of.

10 Q. During the 1960s, Mr. Tyler, did you
11 have any kind of arrangement or agreement with
12 any waste disposal -- any of your competitors
13 that there were certain companies that you would
14 not compete for?

15 MR. LUTZ: Objection. You can answer.

16 Q. For example, would Crown Cork & Seal
17 have been a customer that other waste hauling
18 firms agreed not to seek their business?

19 A. No, because they had bids out on it
20 while I was hauling.

21 Q. I believe you testified that Robb

1 Tyler, Incorporated sold drums to American
2 Cooperage if the drums were acceptable. Who made
3 the determination as to whether the drums were
4 acceptable or not?

5 A. They did.

6 Q. They did. What happened if they
7 decided -- if American Cooperage decided the
8 drums were unacceptable?

9 A. They went back to the dump where they
10 came from, to the landfill, I'm sorry.

11 Q. You stated a few minutes ago that you
12 remember a time when you were shut down. Were
13 you referring to the Rosedale landfill or to
14 another landfill?

15 A. I think the time I was referring to was
16 the south Baltimore landfill.

17 Q. The Quarantine Road landfill?

18 A. Yeah. No, it was before Quarantine
19 Road.

20 Q. Do you remember receiving a court order
21 to close Rosedale?

1 A. I've been trying to think all morning
2 why we were closed, and I can't remember exactly
3 why it was. Maybe you can answer me.

4 Q. Do you remember receiving or being
5 convicted, if you will, of operating Norris Farms
6 without a permit?

7 A. I spent a lot of time in the courts for
8 that period. I'm not sure when.

9 Q. You've testified that Crown Cork & Seal
10 had paper that would cause fires if it wasn't
11 handled properly. Do you recall any other
12 company that generated a waste that caused
13 problems like that?

14 A. Not to my knowledge.

15 Q. Mr. Tyler, I'm going to show you, if I
16 can find them, I'm going to show you two
17 documents that previously were marked as Tyler
18 Exhibits 3 and 5 during your son's deposition.
19 And I would ask you to review those two
20 articles.

21 Exhibit 3 is an article from the April

1 4, 1969 Baltimore News American on the Dump
2 Closing, and Exhibit 5 is an article about
3 opening Norris Farms. This is Exhibit 3. I
4 believe Exhibit 5 is dated September 9th, 1969.
5 If you could just review those please.

6 A. It's a little hard for me to read. If
7 you want to point out what you want me to
8 review.

9 Q. On Exhibit 3, if you could read from
10 the last line in the second column down to --

11 A. Judge Gede?

12 Q. Right. Just through the end of the top
13 paragraph in the third column.

14 MR. LUTZ: I should say for the record
15 that I'm half Mr. Tyler's age and I can barely
16 read it.

17 Q. Maybe I should read it aloud then.

18 A. Yes.

19 Q. I'm reading from Tyler Exhibit 3.
20 Beginning from the beginning, and again, this is
21 an article dated April 4, 1969 from the Baltimore

1 News American. The excerpt reads as follows: "A
2 storm of protest is brewing in Rosedale today
3 following Housing Court Judge James A. Gede's
4 decision yesterday to delay for 30 days his order
5 closing the Robb Tyler dump. Baltimore County
6 Counselman Francis C. Brett declared strongly
7 that the residents there are up in arms over this
8 extension of the life of this dump which is
9 breeding rats, creating a stench and contains a
10 lot of still burning fires. Judge Gede said one
11 reason he granted the extension was because Tyler
12 told him he was in the process of negotiating
13 with Baltimore City for the purchase of 118 acres
14 of city owned land in Baltimore County.

15 "County officials in the Solicitor's
16 Office and the Health Department said they had
17 not been notified of Judge Gede's extension
18 order.

19 "Judge Gede had last week ordered the
20 landfill dump closed effective April 1 and gave
21 Refuse Disposal, Inc., the firm owned by Tyler,

1 30 days to completely cover the dump, grade it
2 and put out fires or face a \$29,000 fine."

3 That's the end of the excerpt.

4 Does that refresh your recollection,
5 Mr. Tyler, as to when the Rosedale landfill was
6 closed?

7 A. It almost tells me there, so I guess it
8 does.

9 Q. You're not aware of any facts to
10 contradict what this article indicates?

11 A. No.

12 Q. I'm going to direct your attention to
13 Tyler Exhibit 5 then. If you would just flip two
14 pages. I'm reading from an article entitled
15 Sanitary Use of Landfill. I'm sorry, it's
16 actually titled County -- I'm not sure what the
17 word is. County, word omitted, sanitary use of
18 landfill.

19 And the excerpt reads as follows:
20 "Opening of the Tyler landfill which was widely
21 opposed by area residents came after a decision

1 last week by Judge John E. Raine, Jr."

2 A. I don't see that.

3 Q. The third paragraph.

4 A. Oh, I see.

5 Q. "The opening of the Tyler landfill which
6 was widely opposed by area residents came after a
7 decision last week by Judge John E. Raine, Jr. in
8 overruling a housing court conviction of
9 Mr. Tyler's firm for using the landfill site
10 without a County permit."

11 That article is dated September 9th,
12 1969. Does that refresh your recollection,
13 Mr. Tyler, as to Norris Farms opening in
14 September of '69?

15 A. I remember that day very well.

16 Q. Do you recall whether you used Norris
17 Farms on a regular basis before September of
18 1969?

19 A. I may have, I don't know. It says here
20 operated without a permit, didn't it?

21 Q. Well, I'm going to direct your

1 attention to Tyler Exhibit 6 which is the next
2 page. This is an article from the August 15th,
3 1969 News American. And I'm reading from the
4 first paragraph of an article entitled Court
5 Fines Tyler \$1,000 in Dump Dispute.

6 The excerpt reads as follows: "Robb
7 Tyler owner of Refuse Disposal, Inc. was fined
8 \$1,000 late yesterday in Baltimore County Housing
9 Court for illegally dumping refuse on the Norris
10 landfill operation owned by him in the North
11 Point section of southeast Baltimore County."
12 And that's the end of the excerpt.

13 Do you recall whether that fine was
14 imposed, Mr. Tyler, because of a one-shot dumping
15 incident, or whether there had been a number of
16 dumping incidents that led to that?

17 A. No, I don't remember what the fine was
18 for. I remember Judge Gede.

19 Q. Do these articles refresh your
20 recollection in any way as to who, as to whether
21 Western Electric, for example, was a customer

1 during this period of time?

2 MR. GUTTER: Objection. Leading.

3 A. It wouldn't help me any.

4 Q. I take it they also do not refresh your
5 recollection as to whether General Motors was a
6 customer during this period?

7 A. General Motors you say?

8 Q. Right.

9 A. I thought you said General Electric.

10 Q. No, I'm sorry, General Motors.

11 A. General Motors I'm sure we had during
12 this period of time.

13 Q. Do these articles refresh your
14 recollection as to whether Baltimore Gas and
15 Electric was a customer during this time?

16 A. I'm sure they were.

17 MS. CASANO: I have no further
18 questions.

19 A. I mean I won't swear to it, but as far
20 as I can think we still had them.

21 MS. CASANO: Okay. I have no further

1 questions.

2 EXAMINATION BY MS. MARKS.

3 Q. I have -- there's probably no reason to
4 switch, I just have a few short questions,
5 Mr. Tyler. My name is Pamela Marks for the
6 record.

7 Mr. Tyler, if one of your drivers used
8 the Harbor Tunnel to dump at Quarantine landfill
9 they would end up in south Baltimore; is that
10 right?

11 A. Say that over again.

12 Q. If one of your drivers picked up -- let
13 me restate the question. If one of your drivers
14 picked up waste from a facility in southeast
15 Baltimore and traveled via the Harbor Tunnel to
16 dump at Quarantine, would they have ended
17 basically in south Baltimore at that point?

18 A. Not necessarily. They could come back
19 through the tunnel and back into East Baltimore.

20 Q. Would that create any inconvenience?

21 A. No, not that I can see. Depending on

1 where he had to go next.

2 Q. If he had to go to another facility in
3 East Baltimore would it create any
4 inconvenience?

5 A. Inconvenience?

6 Q. Yes.

7 A. Not that I can see. He is going from
8 East Baltimore through the tunnel to Quarantine?

9 Q. Right.

10 A. And came back through the tunnel to
11 wherever he was going, wherever he had been if he
12 was bringing a container back.

13 Q. Do you know how many miles they would
14 have to travel to go through the Harbor Tunnel?

15 A. Maybe 10 miles. We traveled a lot
16 farther than that to get rid of trash.

17 Q. During the period of time that Rosedale
18 was opened, would a customer that was located in
19 East Baltimore be more likely to travel through
20 the Harbor Tunnel to Quarantine or to dump at
21 Rosedale?

1 A. It would all depend on his schedule,
2 what he is going to next, where the other plants
3 are. If you can follow me. He might be --

4 Q. Let me try to understand you. If he
5 had a route -- in other words, the driver had a
6 route composed of facilities in East Baltimore
7 would they be more likely to use Rosedale or
8 Quarantine?

9 A. I don't think you understood my answer
10 to that. They're not regular routes when you
11 have to pick up one container and dump it and
12 bring it back. You don't have to. If you have a
13 container of that size, when you pick up that
14 one, you put that one down and then you can go
15 ahead to where I got to dispose of it. And
16 depending on where the next stop after that would
17 be, depended upon which landfill he went to. You
18 might have a stop down in that area where it's
19 close, so you wouldn't come back through the
20 tunnel.

21 Q. Were there tolls that had to be paid to

1 go through the Harbor Tunnel?

2 A. Tolls?

3 Q. Tolls.

4 A. Oh, yeah.

5 Q. Did that add an expense for you?

6 A. It could depending upon the distances.

7 Q. What do you mean?

8 A. It depended upon the distances you had
9 to go. You save the mileage going through the
10 tunnel. It was a tremendous help then going all
11 the way to the other landfill.

12 Q. I'm sorry, under what circumstance
13 would the toll not add an extra expense?

14 A. He would go according to the
15 dispatcher. At our landfills there were phones,
16 and when a man came in, he would get orders to go
17 somewhere else. He didn't know where he was
18 going until he got there. It would all depend.

19 Q. It would all depend on where the driver
20 was going next?

21 A. Where he was being told to go. The

1 next customer could be way out in the country
2 somewhere, or it could be next door. Depending
3 on the dispatcher where he got his orders on the
4 landfill when he came in with those trucks.

5 Q. Just a minute.

6 (Discussion off the record.)

7 MS. MARKS: I'm sorry, just one more
8 moment please.

9 (Discussion off the record.)

10 Q. Mr. Tyler, I know you've been asked a
11 lot of questions about things that have happened
12 a long time ago and that it's hard to remember.
13 I just wanted to ask you whether it's possible
14 that there were other times besides this
15 several-month period that we've repeatedly
16 referred to that you could have been in a jam of
17 sorts and could have needed to use Sauer's dump
18 on some occasions?

19 MR. RYAN: Object. Asked and
20 answered.

21 A. I don't think we ever used it, but I

1 don't remember.

2 Q. You don't remember?

3 A. No. I don't remember. I don't
4 remember paying him to use it.

5 Q. Pardon me?

6 A. I don't remember ever paying him to use
7 his fill.

8 MS. MARKS: That's all I have.

9 MS. CASANO: Anybody else?

10 MR. GRUMMER: Yes, I have some more.

11 EXAMINATION BY MR. GRUMMER:

12 Q. Mr. Tyler, earlier today you described
13 disposal of some tank cleaning waste from
14 Standard Oil and I think you said you didn't
15 think or you didn't believe that those wastes
16 were ever disposed of at Sauer's dump, do you
17 recall that?

18 A. That's correct.

19 Q. Why do you say that? Why don't you
20 think they were disposed at Sauer's dump?

21 A. I don't think we would have hauled it

1 there. I think we had our own facilities and we
2 would have hauled it to one of our places. If
3 our place was closed there, it wouldn't have been
4 a liquid we would dumped in there. I can't
5 believe it.

6 Q. Do you know if you ever disposed of
7 those tank cleaning wastes from Standard Oil at
8 Norris Farms?

9 A. No. Oh, Norris Farms?

10 Q. At Norris Farms.

11 A. No, I think Standard Oil was gone by
12 then. To my recollection, we never had any oil
13 pit there. I don't think so. Later they might
14 have had something after I got out, but not when
15 I was there.

16 Q. You described an oil pit.

17 A. That's what I said we had when we were
18 taking the Standard Oil cleanings when we had the
19 one on Pulaski Highway.

20 Q. So there was an oil pit at the Pulaski
21 Robb Tyler landfill?

1 A. Yes, that was back in the '50s I
2 think.

3 Q. And that's where the Standard Oil tank
4 cleaning wastes were disposed?

5 A. Standard Oil tank cleaning, that's when
6 Standard Oil was operating in Baltimore.

7 Q. Do you know if Standard Oil ever
8 disposed of those tank cleaning wastes at
9 approximately the time that you used Sauer's
10 dump?

11 MS. DOANE: Objection as to form.

12 A. What now?

13 Q. Do you know if --

14 MR. LUTZ: Wait a minute. He hasn't
15 answered the question yet.

16 Q. I would be happy to clarify it.

17 MS. DOANE: I think the witness started
18 to answer the question.

19 A. What is the question?

20 Q. Let me ask it this way. Do you know if
21 Standard Oil ever disposed of those tank cleaning

1 wastes in the late 1960s?

2 MS. DOANE: Objection as to form.

3 A. I don't know when they did. I told you
4 what I said about Standard Oil was when they may
5 have left town, I don't know when they left. I
6 can't answer it by any date because I don't
7 know.

8 Q. I find your answer confusing because I
9 believe there is still a Standard Oil facility
10 there.

11 MS. DOANE: Objection as to form.

12 MR. LUTZ: Objection.

13 Q. To your recollection did an entire
14 factory leave town or can you describe --

15 A. Closed up and went to New Jersey and we
16 lost the account, that's how I remember.

17 Q. And you lost the account at that time?

18 A. (Shakes head in the affirmative.) As
19 far as I can remember.

20 Q. Do you have any recollection what
21 decade that might have been?

1 A. Standard Oil might have still had an
2 operation here that we handled through their
3 plant, but it was not the refinery.

4 Q. Was it the refinery that left town?

5 A. Yeah. As far as I knew.

6 You are a Standard Oil man aren't you?

7 Q. No, I'm with General Motors.

8 A. General Motors. But it's my
9 recollection the refinery closed down.

10 Q. Had that happened, did that happen
11 before the period --

12 A. I don't know. I don't know what the
13 time was.

14 Q. So you don't know --

15 A. I can't tell you the date, no.

16 Q. Do you know if it happened before or
17 after the time you used Sauer's dump?

18 A. I would have thought it was before, but
19 I don't know.

20 Q. Did you personally observe the cleaning
21 of the tanks at Standard Oil?

1 A. Not there. I observed where we put
2 it.

3 Q. Do you know if the tank cleaning at
4 Standard Oil took place at any particular time of
5 year?

6 A. No, I don't.

7 MS. DOANE: Objection as to form.

8 A. I don't know the answer anyway.

9 Q. I take it your drivers at Standard
10 Oil -- do you know if your drivers ever picked up
11 containers at Standard Oil?

12 A. We picked up containers at Standard
13 Oil, but not tank cleanings, I don't think. I
14 don't think we did have any. Not that I
15 remember.

16 Q. Do you know if your drivers picked up
17 containers at Standard Oil after the refinery
18 left town?

19 A. I'm sure if we still had the account.

20 Q. You still had the account?

21 A. I said if we did. I don't know when we

1 lost it or if it's still there. I would say all
2 about the refinery that's all I know they left
3 town.

4 Q. You've explained that some of your
5 customers in southeast Baltimore, some of their
6 waste would be hauled through the tunnel and that
7 that would be based in part on location; is that
8 correct?

9 A. It would be hauled where?

10 MS. DOANE: Objection.

11 A. Some of the waste in East Baltimore
12 would be hauled where?

13 Q. I believe you testified that waste from
14 some of your customers in southeast Baltimore
15 would be hauled through the tunnel?

16 A. Oh, yes.

17 Q. And I believe you testified that
18 location and distance would have something to do
19 with that?

20 A. That's right.

21 Q. Based on location and distance, where

1 would waste from Standard's facility have been
2 hauled? Would they have been hauled through the
3 tunnel or to your plant at Rosedale?

4 MS. DOANE: Objection as to form, and
5 also objection, mischaracterization of the
6 witness' testimony.

7 Q. You can answer it.

8 A. I really have no way of knowing where
9 it went because as I tried to explain, it's the
10 drivers of trucks and where -- if they haven't
11 got a full day when they go out, they get their
12 orders as they come into the fill, so they could
13 go to any part of Baltimore.

14 Q. I believe you said earlier that
15 Standard Oil's facility was about three miles
16 from Rosedale; is that correct?

17 A. I'm guessing.

18 Q. Can you give me an estimate of how far
19 it was from the Harbor Tunnel?

20 A. I don't know.

21 Q. Based on location and distance, can you

1 tell me where it was more likely for waste from
2 O'Brien Paint to be hauled?

3 A. I'm trying to think where O'Brien plant
4 is now. I got my paint companies mixed up.

5 Q. I asked you earlier about Anchor Post;
6 do you recall that?

7 A. Yes.

8 Q. Do you know where their facility is
9 located?

10 A. I think they were on Eastern Avenue
11 somewhere over in that area, but I may be wrong.

12 Q. Do you know whether it was more likely
13 that their waste would be hauled to Rosedale or
14 through the tunnel?

15 A. I don't know.

16 Q. Are you familiar with a Reliable
17 landfill?

18 A. Reliable? It seems to be a very
19 familiar name. Tell me where it is, I could tell
20 you.

21 Q. Do you know where it is?

1 A. I can't think of it right this minute.

2 Q. Do you know if there was a landfill
3 called Reliable?

4 A. It sounds like there was. I can't
5 place it right now.

6 Q. Do you know when it was opened?

7 A. I don't know. I can't even place it.
8 I just remember the name.

9 Q. I don't have any other questions.

10 MR. GUTTER: I have no more questions
11 for Mr. Tyler.

12 EXAMINATION BY MS. DOANE:

13 Q. Mr. Tyler, is it your testimony that
14 when Standard Oil, as you put it, closed up the
15 refining part of its business and moved to New
16 Jersey that you lost the account at Standard Oil
17 at that time?

18 A. I may have have been misunderstood. If
19 we had a Standard Oil account like the Standard
20 Oil building downtown or the facilities where
21 they had trucks, delivery trucks came in and out,

1 and we had containers at those locations, we
2 didn't lose it. I'm saying the refinery when
3 they closed down, they discontinued that
4 operation where we were getting rid of that bulk
5 material.

6 Q. And you lost the account at that time;
7 is that correct?

8 A. That part of the account. Not the
9 whole account of Standard Oil, I don't think.
10 That was a different situation.

11 Q. But do you have any recollection as to
12 whether or not you had accounts at any other
13 Standard Oil facility?

14 A. I think we had other Standard Oil
15 accounts.

16 Q. Can you name where you had the Standard
17 Oil accounts?

18 A. No.

19 Q. Do you know of anyone that you dealt
20 with regarding Standard Oil?

21 A. No, I wouldn't have any idea. That

1 would be the other men in the plant. I wouldn't
2 have come in contact really with them.

3 Q. Can you name any time period in which
4 you had, specify any time period in which you had
5 Standard Oil accounts?

6 A. I couldn't tell you when we got it or
7 if we lost it. I don't know.

8 Q. As I take it, the waste hauling
9 business was very competitive, is that correct,
10 sir?

11 A. That's correct.

12 Q. And customers, as you testified, came
13 and went as you testified; is that correct, sir?

14 A. Yes.

15 MS. DOANE: Thank you.

16 EXAMINATION BY MS. CASANO:

17 Q. I just have one more question. If your
18 drivers used the Harbor Tunnel and paid the toll,
19 was that passed on to your customers, or did that
20 come out of your pocket, so to speak?

21 A. The drivers were given books of tickets

1 and they used those tickets. I don't remember a
2 customer ever being charged that I can think of.

3 Q. Mr. Grummer was asking you some
4 questions about how it was determined where a
5 driver would go. Is it your recollection that a
6 driver's route or his assignment was based first
7 on the kind of truck he had and the type of
8 containers he was able to handle, or was a
9 driver's assignment based first on geographic
10 proximity of customers so that the driver wasn't
11 running all over Baltimore?

12 A. They were very laid out for the
13 driver.

14 Q. Was the route based on the type of
15 container that the driver could haul?

16 A. Oh, yes. You take a Dumpmaster -- the
17 word for it -- is the one you've seen, the
18 container goes up and dumps and puts the
19 container back on the platform. Those routes
20 were all laid out routes.

21 Q. Generally speaking, did the dispatchers

1 or the person who made the assignment try to
2 assign a driver to customers who were located
3 close to each other?

4 A. Absolutely.

5 MS. CASANO: Thank you. I have nothing
6 further.

7 MR. LUTZ: Thank you all for letting us
8 finish in one day.

9 (Examination concluded at 3:30 p.m.)

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Robb Tyler

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R. Tyler

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1 STATE OF MARYLAND

2 SS:

3 I, Lois Hackerman, a Notary Public of the
4 State of Maryland, do hereby certify that the within
5 named, ROBB TYLER, personally appeared before
6 me at the time and place herein set out, and after having
7 been duly sworn by me, was interrogated by counsel.

8 I further certify that the examination was
9 recorded stenographically by me and this transcript is
10 a true record of the proceedings.

11 I further certify that the stipulation contained
12 herein was entered into by counsel in my presence.

13 I further certify that on January 14, 1992 a carbon
14 copy and original signature page were sent to counsel; the
15 30-day reading and signing period having expired, and no
16 changes and corrections having been received, we are releasing
17 the original transcript without signature.

18 I further certify that I am not of counsel to
19 any of the parties, nor an employee of counsel, nor
20 related to any of the parties, nor in any way interested
21 in the outcome of this action.

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1 As witness my hand and notarial seal this
2 28th day of February 1992.

3 *Leisa Hackerman*
4 Notary Public

5 My Commission Expires on September 1, 1993
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